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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
Feb. 28, 1995	Mar. 7, 1995	11	Mar. 17, 1995	Sept. 5, 1995	Sept. 12, 1995	38	Sept. 22, 1995
Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
Mar. 28, 1995	Apr. 4, 1995	15	Apr. 14, 1995	Oct. 3, 1995	Oct. 10, 1995	42	Oct. 20, 1995
Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
Apr. 11, 1995	Apr. 18, 1995	17	Apr. 28, 1995	Oct. 17, 1995	Oct. 24, 1995	44	Nov. 3, 1995
Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None.

- 13) State the reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: P.A. 88-672 was passed by the General Assembly and signed into law by the Governor and was effective on December 14, 1994. This Public Act allows the Department to authorize certain electronic return originators to maintain Form IL-3453 and associated documentation subject to the Department's right of inspection, rather than transmitting those documents to the Department.

The full text of the Proposed Amendment(s) is identical to the emergency rulemaking which begins on page 1141:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Electronic Filing of Illinois Individual Income Tax Returns

2) Code Citation: 36 Ill. Adm. Code 105

3) Section Numbers: Proposed Action:
105.515 New Section

4) Statutory Authority: 35 ILCS 5/503(a) as amended by P.A. 88-672

5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Section 100.515 to the Department's electronic filing rules. This rule provides that the Department may authorize electronic return originators to maintain Department Form IL-3453 and associated documentation, rather than submitting these documents to the Department. The documentation is to be maintained subject to the Department's right of inspection.

6) Will this proposed rule replace an emergency rule currently in effect:
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: This rulemaking does not impose a state mandate, nor does it affect any existing state mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats
Senior Counsel - Income Tax
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 732-6306

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business that is an electronic return originator.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 30 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
 310.4290 Amended
 310.450 Amended
 310.490 Amended
 310.530 Amended
 310.540 Amended
 310.Appendix C Amended
 310.Appendix D Amended
 310.Appendix G Amended
- 4) Statutory Authority: Authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2) (20 ILCS 415/8a(2))
- 5) Effective Date of Rulemaking: January 24, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 24, 1995
- 9) Notice of Proposal Published in Illinois Register: September 23, 1994, Issue #38, 18 Ill. Reg. 14256
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: In Section 310.Appendix G, this section was modified to incorporate the Public Service Administrator Class which was adopted into the Pay Plan in the December 2, 1994 *Illinois Register*. In the Second Notice document, the annual salary of the Public Service Administrator was revised to reflect the appropriate annual salary range of \$29,544-60,876 in alignment with the Merit Compensation Salary Schedule. The Public Service Administrator was designated to extend from the lowest rate in MC-08 to the highest rate in MC-11.
- In Section 310.490, in paragraph 1), commas were inserted after the words "month" and "greater".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
310.230	Amended	18 Ill. Reg. 16490 (November 14, 1994)
310.Appendix A, Table L	Amended	19 Ill. Reg. 764 (January 27, 1995)

- 15) Summary and Purpose of Rulemaking: These amendments to the Department of Central Management Services' Pay Plan reflect the Fiscal Year 1995 salary changes for those employees subject to the Merit Compensation System Salary Schedule.

In Section 310.230, Out-of-State or Foreign Service Rate, the salary ranges for the out-of-state titles were revised to maintain the same differential above the appropriate in-state salary for that title.

In Section 310.450, Procedures for Determining Annual Merit Increases, paragraph d) was revised to reflect that individuals evaluated at the Category 4 or 5 level shall not receive an increase in their present salary.

In Section 310.530, Implementation, paragraph a) was revised to reflect the new fiscal year.

In Section 310.490, Other Pay Provisions, under "K) Bi-lingual Pay", employees whose job descriptions require the use of sign language or a second language shall have 4% or \$75.00 per month whichever is greater added to their base rates, effective October 1, 1994; and 5% or \$100.00 per month whichever is greater will be added to the employee base rates, effective July 1, 1995.

In Section 310.540, Annual Merit Increase Guidechart, the guidechart was revised to reflect the changes in allowable amounts of salary increases for the level of performance.

In Section 310.Appendixes C and D, the Medical Administrator Rates and the Merit Compensation System Salary Schedule, the salary ranges for those employees subject to the Merit Compensation section of the Pay Plan were increased by 3% at the minimum salary and 1% at the maximum salary for Fiscal Year 1995. The "Merit Pay Zone Limit" was adjusted to maintain a 5% differential above the maximum salary.

In Section 310.Appendix G, Public Service Administrator Class Series Salary Schedule, the salary ranges were revised by 3% at the minimum and maximum salaries for Fiscal Year 1995.

- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 30: PUBLIC OFFICIALS AND EMPLOYEES
 SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
 POSITION CLASSIFICATIONS
 CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
 PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1995
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Public Service Administrator Class Series
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1994 1995
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1995
APPENDIX C	Medical Administrator Rates for Fiscal Year 1994 1995
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1994 1995
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Senior Public Service Administrator Class Series Salary Scheduler-effective-August-167-1993

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a2) [20 ILCS 415/8a(2)].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 21, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 13675, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 13, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 13, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5453, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 4609; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6411, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 28, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective JAN 24 1995.

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title

Range

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

	Effective Fiscal Year <u>1994-1995</u>
Foreign Service Economic Development Executive I	<u>3069-52201161-5481</u>
Foreign Service Economic Development Executive II	<u>3938-69724048-7182</u>
Foreign Service Economic Development Representative	<u>2608-43452686-4562</u>
Office Administrator IV (States Other Than California and New Jersey) (CA, NJ)	<u>2050-32702111-3442</u>
Office Assistant (Foreign Service)	<u>2318-37052387-3891</u>
	<u>1719-24232186</u>
Office Associate (States Other Than California and New Jersey) (CA, NJ)	<u>1839-23072376</u>
	<u>2079-26002686</u>
Office Coordinator (States Other Than California and New Jersey) (CA, NJ)	<u>1909-24062478</u>
	<u>2158-27202802</u>
Revenue Audit Supervisor (States Other Than California and New Jersey) (CA, NJ)	<u>3241-55563338-5834</u>
	<u>3663-62803774-6595</u>
Revenue Auditor I (States Other Than California and New Jersey) (CA, NJ)	<u>2601-34023504</u>
	<u>2941-30453961</u>
Revenue Auditor II (States Other Than California and New Jersey) (CA, NJ)	<u>2876-37843897</u>
	<u>3251-42774406</u>
Revenue Auditor III (States Other Than California and New Jersey) (CA, NJ)	<u>3204-42594380</u>
	<u>3622-40074952</u>
Revenue Auditor Trainee (States Other Than California	<u>2168-27742857</u>

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and New Jersey) (CA, NJ)	<u>2451-34363229</u>
Senior Public Service Administrator (States Other Than California and New Jersey) (CA, NJ)	<u>3787-89893901-8642</u>
	<u>4281-94854410-9770</u>
Tax Examiner (States Other Than California and New Jersey) (CA, NJ)	<u>1909-24062478</u>
	<u>2158-27202802</u>
Tax Examiner Trainee (States Other Than California and New Jersey) (CA, NJ)	<u>1719-24232186</u>
	<u>1944-24002471</u>
(Source: Amended <u>19 Ill. Reg. 1024</u> , effective <u>JAN 2 x 1995</u>)	

Section 310.450 Procedures for Determining Annual Merit Increases

- a) An annual merit increase is an in-range salary adjustment for demonstrated performance.
- b) Eligibility for an annual merit increase shall be determined by the following conditions:
- 1) Each employee will be eligible for a merit review after attaining 12 months creditable service. The employee's immediate supervisor shall prepare an Individual Development and Performance Evaluation form prior to the Performance Review Date, and discuss the results with the employee.
 - 2) Should the Individual Development and Performance review result in the employee not being eligible for an annual merit increase due to provisions of subsection 310.450(d), or should the employee's base rate be at the maximum rate of pay of the salary range assigned to the employee's position, the employee will not be eligible for an annual merit increase until 12 months of additional creditable service has been accrued.
 - c) Based upon the results of the Individual Development and Performance Evaluation, the employees' immediate supervisor shall determine whether the employee's performance warrants or does not warrant an annual merit increase.
 - d) The amount of an annual merit increase recommendation shall be determined by use of the Merit Increase Guidechart of Section 310.540 if the employee's Individual Development and Performance Evaluation has on the Performance Review Date been evaluated at a Category 3 or higher level. An employee whose Individual Development and Performance Evaluation has, on the Performance Review Date been

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- evaluated at Category 4 or 5 shall not receive an increase in the present base salary. However, in no event is the resulting salary to be lower than the minimum or higher than the maximum rate of pay of the respective salary range assigned to the employee's position.
- e) The employee's immediate supervisor shall prepare a Performance Certification and Salary Increase Recommendation form, indicating whether or not the employee is eligible for an annual merit increase and the amount thereof.
- f) The employee's immediate supervisor shall forward the Individual Development and Performance Evaluation records and Performance Certification and Salary Increase Recommendation records to the agency head or a designated authority for review and approval.
- g) Annual merit increases in pay shall become effective the first day of the month in which the employee's Performance Review Date occurs.

(Source: Amended, 19 Ill. Reg. 1024, effective

JAN 5 4 1985)

Section 310.490 Other Pay Provisions

- a) Transfer -- Upon assignment of an employee to a vacant position in a class with the same salary range as the class for the position being vacated, the employee's base salary will not be changed. Upon separation and subsequent appointment to a position in the same salary range, no increase in salary will be given.
- b) Entrance Salary -- Normally upon entry to state service, an employee's base salary will be at the minimum salary of the salary range.
- 1) Qualifications above Minimum Requirements --
- A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the employing agency may grant an entrance salary up to the midpoint of the first half of the salary range; however, this shall not provide more than a 10% increase over the candidate's current salary. Such qualifications above the minimum requirements must possess documented support for higher than the minimum entrance salary.
- B) An entrance salary above the middle of the first half of the salary range must have prior approval of the Director of Central Management Services. This approval will be based on consideration of the candidate's training and experience exceeding the requirements of the class, prior salary history, particular staffing requirements of an agency, and labor market influence on recruitment needs.
- 2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance salary may be authorized by the Director of

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Central Management Services. Present employees receiving less than the new rate of pay shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment, effective the first day of the month following the date of assignment.

- c) Differential and Overtime Pay -- An eligible employee may have an amount added to the base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to the base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay -- The Director of the Department of Central Management Services shall maintain a listing of classes of positions subject to the provisions of the Merit Compensation System who are eligible for overtime compensation. Classes in salary ranges MC 6 and below are eligible for straight-time overtime unless exceptions are determined by the Director of Central Management Services. Classes above MC 6 may be added to the list when requested by an agency and approved by the Director of Central Management Services in consideration of need of the agency and relationship to eligible titles. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation. Any exception to the above provisions for overtime compensation shall be approved by the Director of the Department of Central Management Services. Such exceptions must be requested by the employing agency and will be determined on the basis of the special nature of the situation, a substantial need to provide overtime compensation and a significant number of hours worked beyond the normal work schedule, and will be granted only for a specified time period for which the special situation is expected to exist.

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- d) Part-time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily rate basis which will be computed from annual rates of salary and the total number of work days in the year.
- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.
- f) Lump Sum Payment -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary layoff (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum payments cannot be given in these transactions. Methods of computation are explained in Section 310.520(a) of the Merit Compensation System.
- AGENCY NOTE: The method to be used in computing lump sum payment for vacation and overtime payment for an incumbent entitled to shift differential during the regular work hours will be to use the current base salary plus the shift differential pay.
- g) Salary Treatment upon Return from Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Education Leave will have his/her salary established as determined appropriate by the employing agency and approved by the Director of Central Management Services. However, in no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range. Creditable service date will be maintained. An employee returning to his/her former salary range from any other leave of over fourteen days will be placed at the salary which the employee received prior to the leave and the creditable service date will be extended by the duration of the leave.
- h) Employees in classes which are made subject to the Merit Compensation System after July 1, 1979, will retain their current salary, except that in no event is the resultant salary to be lower than the minimum rate or higher than the maximum rate of the new salary range.
- i) Extra Duty Pay -- An employee may be paid an amount in addition to the base salary for services in addition to the regular work schedule on a special assignment. Additional compensation will be at a rate and manner as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular

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- circumstances.
- j) Salary Treatment Upon Reemployment --
- 1) Upon the reemployment of an employee in a class with the same salary range as the class for the position held before layoff, the employee will be placed at the same salary as held at the time of the layoff, and his creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
 - 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the same salary as held at the time of layoff, except that if this exceeds the maximum of the new range, the employee will be placed at that maximum salary. The creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.
- k) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary, or exceed the salary rate held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- l) Bilingual Pay --
- 1) Effective January 1, 1992 October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional \$25.00 1/2 or \$75.00 per month, whichever is greater, in addition to the employee's base rate.
 - 2) Effective January 1, 1993 July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive \$50.00 an additional 5/8 or \$100.00 per month, whichever is greater, in addition to the employee's base rate.
 - 3) Effective January 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive \$75.00 per month, in addition to the employee's base rate.
- m) Clothing or Equipment Allowance -- An employee may be paid an amount in addition to his/her base salary to compensate for clothing or equipment which is required in the performance of assigned duties. The amount will be determined by the Director of the employing agency, and will require approval of the Director of the Department of Central Management Services. The Director of the Department of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstance.

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(Source: Amended at 19 Ill. Reg. 1024, effective JAN 24 1995)

Section 310.530 Implementation

- a) The salary schedule for the Merit Compensation System for Fiscal Year 1994 1995 is as set forth in Appendix D of the Pay Plan.
- b) The Merit Increase Guidechart for Fiscal Year 1994 1995 is as set forth in Section 310.540 of the Pay Plan.
- c) Any employee with a performance review date of July 1, or August 1 or September 1 will have his or her salary increase determined by the use of the Merit Compensation Guidechart for Fiscal Year 1994 1995. The increase will be dated August-167-1993 September 16, 1994, and a lump sum will be provided as if this resultant salary were effective on the original performance review date. The creditable service date will be adjusted to return to the regular anniversary month.

(Source: Amended 19 Ill. Reg. 1024, effective JAN 24 1995)

Section 310.540 Annual Merit Increase Guidechart for Fiscal Year 1994 1995

Category	Definition	Increase
Category 1	Superior	2%--4.5%--to-6.5%
Category 2	Exceeds-Expectations	2%--3%--to-4.5%
Category 3	Meets-Expectations	2%--4%--to-3%
Category 4	Needs-Improvement	2%
Category 5	Unacceptable	0%
Category 1	Superior	\$125 + 2% to 4%
Category 2	Exceeds Expectations	\$125 + 0% to 2%
Category 3	Meets Expectations	\$125
Category 4	Needs Improvement	0%
Category 5	Unacceptable	0%

(Source: Amended 19 Ill. Reg. 1024, effective JAN 24 1995)

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Section 310.APPENDIX C Medical Administrator Rates for Fiscal Year 1994 1995

Title	Minimum Salary	Midpoint Salary	Maximum Salary
Medical-Administrator-I	67452	77713	97774
Option-C	77713	927556	1077688
Medical-Administrator-II	77295	87495	97785
Option-B	867469	1017949	1177124
Medical-Administrator-III	67932	87351	97538
Option-C	837604	997812	1147368
Medical-Administrator-III	87887	97332	107657
Option-B	967884	1117984	1277884
Medical-Administrator-III	87299	97749	107288
Medical-Administrator-IV	997488	1167988	1347495
Option-C	87425	97882	107333
Medical-Administrator-V	1017138	1187584	1367868
Option-C	87568	107817	117474
Medical-Administrator-V	1027238	1207238	1377688
Medical Administrator I, Option C	6,616	7,915	9,214
Medical Administrator I, Option D	7,421	8,750	10,079
Medical Administrator II, Option C	8,172	9,499	10,817
Medical Administrator II, Option D	8,247	9,612	10,977
Medical Administrator III	9,539	10,942	11,545
Medical Administrator IV	10,4136	12,179	14,0160
Medical Administrator V	10,317	12,316	14,313

The rates of pay for physicians occupying or appointed to a position in the Medical Administrator classes shall be as listed in the above schedule. All provisions of Subpart C of the Pay Plan, Merit Compensation System will apply to the Medical Administrator positions.

(Source: Amended 19 Ill. Reg. 1024, effective JAN 24 1995)

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Section 310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal

Year 1994 1995

Salary Range	Minimum Salary	Midpoint Salary	Maximum Salary	Merit Pay Zone Limit
ME-1	17700	21655	27621	27752
ME-2	20500	25700	31745	31784
ME-3	21700	27675	34767	34795
ME-4	23900	29700	37780	37780
ME-5	25100	31700	39780	39780
ME-6	27300	33700	41780	41780
ME-7	29500	35700	43780	43780
ME-8	31700	37700	45780	45780
ME-9	33900	39700	47780	47780
ME-10	36100	41700	49780	49780
ME-11	38300	43700	51780	51780
ME-12	40500	45700	53780	53780
ME-13	42700	47700	55780	55780
ME-14	44900	49700	57780	57780
ME-15	47100	51700	59780	59780
ME-16	49300	53700	61780	61780
ME-17	51500	55700	63780	63780
ME-18	53700	57700	65780	65780
ME-19	55900	59700	67780	67780
MC 1	17700	21230	27000	2835
MC 2	21120	26760	32400	34020
MC 3	23836	29343	36850	37993

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22,032	23,116	34,200	35,216
1,974	2,478	3,032	3,184
23,088	23,736	36,384	38,232
2,012	2,594	3,176	3,335
24,144	24,128	38,112	40,022
2,112	2,713	3,374	3,543
25,344	25,316	40,498	42,516
2,212	2,883	3,543	3,722
26,616	26,636	42,516	44,700
2,336	2,957	3,722	3,907
28,032	28,084	44,700	46,904
2,462	3,084	3,907	4,100
29,584	29,604	46,904	49,112
2,602	3,242	4,100	4,304
31,224	31,264	49,112	51,336
2,749	3,414	4,304	4,516
32,988	33,028	51,336	53,572
2,903	3,567	4,516	4,732
34,836	34,876	53,572	55,824
3,083	3,754	4,732	4,956
36,936	36,976	55,824	58,088
3,291	3,962	4,956	5,184
39,492	39,532	58,088	60,360
3,520	4,191	5,184	5,416
42,240	42,280	60,360	62,648
3,779	4,450	5,416	5,652
45,348	45,388	62,648	64,936
4,045	4,716	5,652	5,888
48,540	48,580	64,936	67,224
4,365	5,036	5,888	6,144
52,380	52,420	67,224	69,516
4,705	5,376	6,144	6,408
56,460	56,500	69,516	71,808
5,082	5,753	6,408	6,672
60,984	61,024	71,808	74,112

(Source: JAN 24 1995)

19

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Reg.

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effective

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Section 310.APPENDIX G Senior Public Service Administrator Class Series Salary
Schedule-effective-August-167-1993

Title	Minimum Salary	Maximum Salary
Public Service Administrator	287600	597500
	297511	607516
Senior-Public-Service-Administrator	397520	667950
Level-I		
Senior-Public-Service-Administrator	507000	877550
Level-II		
Senior Public Service Administrator	40,706	68,959
Level I		
Senior Public Service Administrator	50,000	90,177
Level II		

(Source: Amended 19 Ill. Reg. **1024**, effective
JAN 24 1995)

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- 1) Heading of the Part: Department Advisory Council, Illinois Juvenile Justice Commission and Other Statewide and Regional Committees
- 2) Code Citation: 89 Ill. Adm. Code 428

3) Section Numbers: Adopted Action:

428.10	Amend
428.20	Amend
428.30	Amend
428.40	Amend
428.50	New Section
428.60	Amend
428.70	Amend
428.90	Amend
428.150	Amend

- 4) Statutory Authority: Implementing Sections 5, 17a-1 and 17a-9 of the Children and Children and Family Services Act (20 ILCS 505/5, 505/17a-1, 505/17a-9) and Sections 6.15 and 8 of the Civil Administrative Code of Illinois (20 ILCS 5/6.15 and 5/8) and Section 11.7 of the Abused and Neglected Child Reporting Act (325 ILCS 5.11.7).

- 5) Effective Date of Amendments: January 20, 1995

- 6) Does this rulemaking contain an automatic repeal date: No

- 7) Do these amendments contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 20, 1995

- 9) Notice(s) of Proposal Published in Illinois Register: January 21, 1994 at 18 Ill. Reg. 561.

- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.

- 11) Difference(s) between proposal and final version:

Authority Note

Deleted all references to the "Ill. Rev. Stat." citation.

Section 428.20 Definitions

Deleted all references to the "Ill. Rev. Stat." citation.

Added Section 11.7 of immediately after the word "by" in the second line of the definition for "Advisory Committees".

Added Section 17a-9 of immediately after the word "by" in the second line of the definition for "Commission".

Added Section 6.15 of immediately after the word "by" in the second

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line of the definition for "Council".
 Added Section 17a-1 of immediately after the word "by" in the second line of the definition for "Regional Youth Planning Committees".

Section 428.30 Children and Family Services Advisory Council

Changed all "italic type" to regular type.
 Deleted the comma after "children" in subsection a.
 Inserted 428.130 in lieu of "428.13" immediately after the word "Section" in the second line of Subsection 428.30.

Section 428.40 State Advisory Committee on Day Care

Deleted the words "and vice chairperson shall be elected by the Committee from among its members" in the first sentence of Subsection 428.40 (c), and inserted the words shall be appointed by the Director.

Section 428.50 Child Welfare Advisory Committee

Changed all "italic type" to regular type.

Section 428.60 Statewide Citizens Committee on Child Abuse and Neglect

Added [325 ILCS 5/11.7] at the end of the last sentence in Subsection (a).

Section 428.70 Illinois Juvenile Justice Commission

Changed all "italic type" to regular type.
 Added [42 USC Sec. 5601 et seq.] after the word "amended" in the third line of subsection a.
 Inserted 428.140 in lieu "428.14" immediately after the word "Section" in the third line of Subsection 428.70 (d).

Section 428.90 Regional Youth Planning Committees

Changed all "italic type" to regular type.
 Added a period after the word "Committee"; capitalized the word "each" and changed "serving" to serves in the second line of Subsection 428.90(a).
 Added / except that the Chicago Regional Youth Planning Committee shall have 20 members, immediately after the word "members" in the first line of Subsection 428.90(b).
 Added [20 ILCS 505/17a-1] after "youth" in the eighth line of Subsection 428.90 (b).

Section 428.150 Compliance with the Open Meetings Act

Deleted the "quotation marks" before and after Illinois Open Meetings Act.
 Deleted the reference to the "Ill. Rev. Stat." citation.

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12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of these amendments: These rules are amended in compliance with statutory changes. These amendments add a new Section regarding the addition of the Child Welfare Advisory Committee to the Department and amends the language which reflects the changes in composition as well as the appointment of the Chairperson of the State Advisory Committee on Day Care. The duties of the Statewide Citizens Committee on Child Abuse and Neglect are modified. Requirements regarding residency and membership representation have been added for members of Regional Youth Planning Committees.

16) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station 222
 Springfield, Illinois 62701-1498
 (217) 524-1983
 TDD: (217) 524-3715

The full text of the adopted amendments is as follows:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER F: GENERAL ADMINISTRATION

PART 428

DEPARTMENT ADVISORY COUNCIL,
 ILLINOIS JUVENILE JUSTICE COMMISSION AND
 OTHER STATEWIDE AND REGIONAL COMMITTEES

Section	Purpose
428.10	Definitions
428.20	Children and Family Services Advisory Council
428.30	State Advisory Committee on Day Care
428.40	Child Welfare Advisory Committee
428.50	Statewide Citizens Committee on Child Abuse and Neglect
428.60	Illinois Juvenile Justice Commission
428.70	Regional Advisory Committees
428.80	Regional Youth Planning Committees
428.90	Liaisons to the Department's Advisory Council
428.100	Rules of Procedure
428.110	Committees and Sub-committees
428.120	Regular and Special Meetings
428.130	Notice of Meetings and Agendas
428.140	Compliance with the Opening Meetings Act
428.150	Quorum
428.160	Compensation
428.170	Minutes
428.180	Staffing
428.190	

AUTHORITY: Implementing and authorized by Sections 5, 17a-1 and 17a-9 of the Children and Family Services Act [20 ILCS 505/5, 17a-1, 17a-9]; Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7]; and Sections 6.15 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5.6.15 and 8].

SOURCE: Adopted and codified at 5 Ill. Reg. 7789, effective August 3, 1981; amended at 7 Ill. Reg. 10578, effective September 1, 1983; recodified at 17 Ill. Reg. 21894; amended at 19 Ill. Reg. 1013, effective JAN 20 1995.

Section 428.10 Purpose

This Part describes: **†††**

- a)** those committees established by State law or by this Part to advise the Department and to provide a forum for exchange between government and community and to encourage long term development and maintenance of systems of social services which are effective, efficient and humane; and **†††**

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- b)** the Illinois Juvenile Justice Commission, created by State law to supervise the administration of the juvenile justice program in Illinois and perform other functions; and **†††**
- c)** regional youth planning committees, created by State law, to advise the Department in the development and maintenance of more comprehensive and integrated community-based youth services.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995.)

Section 428.20 Definitions

"Advisory Committees" means the Statewide Citizens' Committee on Child Abuse and Neglect established by Section 11.7 of the Abused and Neglected Child Reporting Act **†††--Rev--Stat--1981--ch--237--par--2661-7** [325 ILCS 5/11.7], the State Advisory Committee on Day Care and regional advisory committees which provide advice and counsel to the Director of the Department on a regional or special program basis.

"Commission" means the Illinois Juvenile Justice Commission established by Section 17a-9 of the Children and Family Services Act **†††--Rev--Stat--1981--ch--237--par--17a-9** [20 ILCS 505/17a-9] to execute those powers and duties mandated in that Section of the Act.

"Committees" means both advisory committees and regional youth planning committees as defined above, unless otherwise specified in this Part.

"Council" means the Children and Family Services Advisory Council established by Section 6.15 of the Civil Administrative Code of Illinois **†††--Rev--Stat--1981--ch--237--par--6.15** [20 ILCS 5/6.15] to execute those powers and duties mandated in Section 8 of that Code **†††--Rev--Stat--1981--ch--237--par--8** [20 ILCS 5/8].

"Direct financial interest" means any type of monetary gain from a Department-funded program, such as that acquired by salaried staff of Department-funded agencies, or Department staff. Staff members of programs supported by funds from other than the Department, located within agencies providing a Department-funded service, are not eligible for regional youth planning committee membership if their working responsibilities are related to management, funding or policymaking.

"Geographic regions" means those groupings of counties designated by the Director for administration of Department programs.

"Regional Youth Planning Committees" means the committees established by Section 17a-1 of the Children and Family Services Act **†††--Rev--**

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State: 1997-08-23, par. 17a-1 [20 ILCS 505/17a-1] to execute those powers and duties mandated in that Section of the Act.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.30 Children and Family Services Advisory Council

a) There shall be a Children and Family Services Advisory Council to advise the Department with respect to its services and programs for children and adults under its care.

b) There shall be sixteen members, appointed by the Governor, each appointed to a four-year term. The terms of one-half of the Council shall expire every two years on the third Monday in January in odd numbered years. Members shall continue to serve until their successors are appointed and qualified.

b) There shall be seventeen members, one of whom shall be a senior citizen age 60 or over, appointed by the Governor, each appointed to a four year term. The terms of one-half of the Council shall expire every two years on the third Monday in January in odd numbered years. Members shall continue to serve until their successors are appointed and qualified.

c) A chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year beginning July 1 of each year.

c) A chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for re-election to the same office held for no more than two consecutive terms.

d) Notice of meetings and agendas of regular and special meetings shall, in addition to those required in Section 428.130, be sent to the Governor at least seven days prior to a scheduled meeting of the Council.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.40 State Advisory Committee on Day Care

a) There shall be a State Advisory Committee on Day Care to advise the Department on general policy involving the provision of day care services under the state plan.

b) There shall be twenty-five thirty members appointed by the Director of the Department, each serving for a term of three years. The terms of

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one-third of the committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed. No more than 25% of the members may have a direct financial interest in any Department-funded program.

c) A chairperson shall be appointed by the Director and vice chairperson shall be elected by the Committee from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for re-election to the same office held for no more than two consecutive terms.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.50 Child Welfare Advisory Committee

a) There shall be a Child Welfare Advisory Committee to advise the Department on programmatic and budgetary matters related to the provision or purchase of child welfare services.

b) There shall be twenty-five members appointed by the Director of the Department. At least twenty of the members shall be appointed from representatives of the voluntary (not-for-profit) sector of child welfare service providers and the remaining members shall include individuals with training and/or knowledge related to child welfare services. The terms of appointments shall be for three years and expire on January 1. Members shall continue to serve until their successors are appointed.

c) A chairperson and vice chairperson shall be appointed by the Director from the members of the Committee. A staff member from the Department shall be appointed by the Director to help carry out the functions of the Committee.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.60 Statewide Citizens Committee on Child Abuse and Neglect

a) There shall be a Statewide Citizens' Committee on Child Abuse and Neglect to advise the Department on general policy involving the provision of child protective services to children and their families. The Director on setting priorities for the administration of child abuse prevention, shelters and service programs, and to advise the Director on policies and procedures with respect to the medical neglect of newborns and infants [325 ILCS 5/11.7].

b) There shall be twenty-five members appointed by the Director of the Department, each serving for a term of three years. The terms of one-third of the Committee membership shall expire every year on the 30th days of June. Members shall continue to serve until their successors are appointed. No more than 20% of the membership may have

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a direct financial interest in any Department funded program.

- c) A chairperson and vice chairperson shall be appointed by the Director of the Department from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.70 Illinois Juvenile Justice Commission

- a) ~~There shall be an Illinois Juvenile Justice Commission to supervise the administration of federal funds under the "Juvenile Justice and Delinquency Prevention Act of 1974 (42 USC 5601 et seq.) and to advise the Department on general policy related to juvenile justice and delinquency prevention services and programs for youth.~~

- a) There shall be an Illinois Juvenile Justice Commission to supervise the administration of federal funds under the "Juvenile Justice and Delinquency Prevention Act of 1974, as amended" (42 USC 5601 et seq.) and to advise the Department on general policy related to juvenile justice and delinquency prevention services and programs for youth.

- b) ~~There shall be twenty-five members appointed by the Governor, each serving for a term of three years. The terms of one-third of the Commission membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed.~~
- b) There shall be twenty-five members appointed by the Governor, each serving for a term of three years. The terms of one-third of the Commission membership shall expire every year on the 31st day of January. Members shall continue to serve until their successors are appointed.

- c) ~~A chairperson, from among its members, shall be appointed by the Governor and serve as chief officer of the Commission.~~

- c) A chairperson, from among its members, shall be appointed by the Governor and serve as chief officer of the Commission. A vice-chairperson, elected by the Commission from among its members, shall fulfill duties as designated by the chairperson.

- d) Notice of meetings and agendas of regular and special meetings shall, in addition to those persons required in Section 428.140, be sent to the Governor at least seven days prior to a scheduled meeting of the Commission.

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.90 Regional Youth Planning Committees

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- a) ~~There shall be regional youth planning committees within each region as designated by the director of the Department to advise the Department in regard to regional youth service needs and problems. There shall be regional youth planning committees within each region as designated by the Director of the Department to advise the Department in regard to regional youth service needs and problems. To prepare an annual youth service grant applications.~~

- b) ~~There shall be ten members, except that the Chicago Regional Youth Planning Committee shall have 20 members, appointed by the Director of the Department to each Committee. Each member serves for a term of three years. All members shall have residency within the regional area and shall be broadly representative of the varied geographic interests. Membership shall reflect a broad representation of community interests and perspectives, including local government, law enforcement education and training, juvenile justice, mental health, human services and youth. [20 ILCS 505/17A-1] The terms of one-third of each committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed. No member may have a direct financial interest in any Department funded program.~~

- c) ~~A chairperson and vice chairperson shall be appointed by the Director from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.~~

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

Section 428.150 Compliance with the Open Meetings Act

All meetings of the Commission shall be held in compliance with notice and other requirements of the "Illinois Open Meetings Act" [5 ILCS 120].

(Source: Amended at 19 Ill. Reg. 1043, effective JAN 20 1995)

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1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Adopted Action:

113.113
Amendment
113.141
Amendment
113.157
Amendment
113.248

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/Art. 12-13), P.L. 103-152, Section 1612(a)(1)(C) of the Social Security Act, 20 CFR 4.6.1110(c), 20 CFR 416.1124 and P.L. 103-66

5) Effective Date of Amendments: January 26, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 26, 1995

9) Notice of Proposal Published in Illinois Register: September 23, 1994 (18 Ill. Reg. 14281)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: The following changes were made to the text of the proposed amendments:

A period was added at the end of the AUTHORITY.

In Section 113.113(a)(3), commas have been added after "the Child Nutrition Act of 1966" and "the National School Lunch Act".

In Section 113.113(a)(4), the comma after "as amended" has been deleted.

In Section 113.113(a)(10), "Section 1 of" has been inserted before "the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act".

In Section 113.113(a)(27), "P. L. 103-66" was changed to "P. L. 103-66".

A period was added at the end of Section 113.141(a)(1).

In Section 113.141(d)(2), the closing parenthesis was deleted.

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In Section 113.141(e), a space was added before the opening parenthesis.

In Section 113.157(a)(2), the comma after "States" was deleted.

A period was added at the end of Section 113.157(g)(1).

In Section 113.248(b), the semi-colon was replaced with a comma.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.140	Amendment	September 30, 1994 (18 Ill. Reg. 14590)
113.155	Repeal	September 30, 1994 (18 Ill. Reg. 14590)
113.253	Amendment	January 27, 1995 (19 Ill. Reg. 815)
113.260	Amendment	January 27, 1995 (19 Ill. Reg. 815)

15) Summary and Purpose of Amendments:

Sections 113.113 and 113.141

This rulemaking allows the Department to exempt as income and assets for the AABD program the following:

- Earned Income Tax Credit payments;
- German reparation payments; and
- Payments up to \$2000 per year derived from individual interests in Indian trust or restricted lands.

In accordance with the provisions of 20 CFR 416.1110(c) and Section 1612(a)(1)(C) of the Social Security Act, the Earned Income Tax Credit exemption applies to the amount of earned income tax credit which the client receives either as advance payment or as a refund of federal income tax. These amendments also implement the provisions of 20 CFR 416.1124 by exempting German reparation payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust. In addition, payments of up to \$2000 per year derived from individual interests in Indian trust or restricted lands under P. L. 103-66 are exempted by these proposed

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amendments.

Section 113.157

With respect to sponsors of aliens, certain amounts of the income and assets of a sponsor and the sponsor's spouse are deemed available unearned income and assets of the individual alien applying for or receiving AABD assistance. These amendments change the period of time from three years to five years for determining a sponsor's income and assets to a legal alien for purposes of determining financial eligibility for the Aid to the Aged, Blind or Disabled (AABD) program. This rule change is being made in compliance with P. L. 103-152 and with a federal law change for SSI eligibility rules.

Section 113.248

For clients who reside in a dwelling with other individuals, this rulemaking clarifies that the maximum rental allowance applies to the living arrangement rather than the entire dwelling. The current rule does not differentiate between the individual who resides in a dwelling with other persons as a separate household from the individual who shares a residence with other people.

As a result of these amendments, when a client shares a living arrangement, the amount budgeted as rent will be determined on an equal share basis among all the members of the shared household. The shelter maximum will apply to the household rather than to the individual household members.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

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113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
 113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

SUBPART E: OTHER PROVISIONS

Section

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113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.320 Redetermination of Eligibility

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application
 113.410 More Likely Than Not Eligible for SSI
 113.415 Non-Financial Factors of Eligibility
 113.420 Financial Factors of Eligibility
 113.425 Payment Levels for Chicago Interim Assistance Cases
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago
 113.435 Medical Eligibility
 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq. and 12-13) [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; peremptory amendment at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of

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150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1334, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7304, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; amended at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11931, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15996, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956,

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effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9913, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 32880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5638, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612,

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effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective JAN 26 1995.

Section 113.113 Exempt Unearned Income

- a) The following unearned income from governmental sources shall be ~~is~~ exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:
- a1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) ~~The value of home produce which is used for personal consumption;~~
- d3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C. 1780(b)), and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760);
- e4) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- f5) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- g6) Any funds distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, or P.L. 94-540;
- h7) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.);
- i8) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title VI of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- j9) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044(q)). These include:
- iA) Vista Volunteers; and
- iB) Volunteers serving as senior health aides, senior companions, foster grandparents, or persons serving in the Service Corps of Retired Executives (SCOPE) or the Active Corps of Executives (ACE);
- k10) Income received under the provisions of Section 1 of the Illinois Senior Citizens and Disabled Persons Property Tax Relief Act [320 ILCS 25.1]. This includes both the benefits commonly known as the "circuit breaker" and "additional grants";
- l) ~~Social Security death benefits expended on a funeral and/or burial;~~
- m11) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended

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(42 U.S.C. 1437(f)):

- n12) Any payments distributed per capita or held in trust for members of Indian tribes under Sections 5 of P.L. 94-111 that became effective October 17, 1975;
- o13) SSI lump sum payments received by MANG participants who reside in the community (not residing in a long term care facility, DMHDD facility or other medical facility);
- p14) Any adoption subsidy received from DCFS;
- q15) Any foster care payment received from DCFS except independent living arrangement payments;
- r16) Title IV-E adoption assistance or foster care payment received from a state welfare agency of another state are exempt for MANG;
- s17) Any payment received from the Self Sufficiency Trust Fund established in accordance with Section 21.1 of the Department of Mental Health and Developmental Disabilities Act (20 ILCS 1705/21.1);
- t18) Any payment received under Title I of P.L. 100-383, the Civil Liberties Act of 1988, which provides that restitution shall be made to United States citizens and permanent resident aliens of Japanese ancestry who were interned during World War II;
- u19) Any payment received under Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, which provides that restitution shall be made to any Aleut living on the date of enactment of P.L. 100-383 (August 10, 1988) who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Island to an internment camp, or other temporary facility or location during World War II; or who was born while his or her natural mother was subject to such relocation;
- v20) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- w21) Payments received under the Radiation Exposure Compensation Act;
- x22) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS); and
- y23) Earnings, allowances, and payments received under Title I of the National and Community Service Act of 1990-1;
- z24) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- 25) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax;
- 26) German reparations payments made under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution (Germany Restitution Act) to survivors of the Holocaust; and
- 27) Payments of up to \$2000 per year derived from individual

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interests in Indian trust or restricted lands under P.L. 103-66.
 b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility for assistance and amount of the assistance payment:

- 1) The value of home produce which is used for personal consumption; and
- 2) Social Security death benefit expended on a funeral and/or burial.

(Source: Amended at 19 Ill. Reg. 10521, effective JAN 26 1995)

Section 113.141 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) Homestead property.
- 2) Personal Property
 - A) Personal effects extraordinarily and household goods of reasonable value (reasonable value means the client's equity value in such property does not exceed \$2,000). Wedding and engagement rings and items required due to medical or physical condition.
 - B) Regardless of the value, personal effects and household goods are exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

- 3) Resources (for example, land, buildings, equipment and supplies or tools) necessary for self-support up to \$6,000 of the individual's equity in the income producing property, provided the property produces a net annual income of at least 6% of the excluded equity value of the property. The equity value in excess of \$6,000 is applied toward the asset disregard. If the activity produces income less than 6% of the exempt equity due to reasons beyond the individual's control (for example, the individual's illness or crop failure) and there is a reasonable expectation that the individual's activity will increase to produce income equal to 6% of the equity value (for example, the medical prognosis is that the individual is expected to respond to treatment or drought resistance corn will be planted), the property is exempt. If the individual owns more than one piece of property and each produces income, each is looked at to see if the 6% rule is met and then the amount of the individual's equity in all of those properties are totalled to see if the total equity is \$6,000 or less.
- 4) Automobile
 - A) exclude one automobile, regardless of value, used by the

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client, spouse, or other dependent if:

- i) it is necessary for employment;
- ii) it is necessary for the medical treatment of a specific or regular medical problem;
- iii) it is modified for operation by or transportation of a handicapped person;
- iv) it is necessary because of factors such as climate, terrain or distance to provide necessary transportation to perform essential daily activities; or

v) one vehicle for each spouse is exempt in determining the amount allowed as the Community Spouse Asset Allowance (as described at 89 Ill. Adm. Code 120.386).

- B) if not excluded in subsection (a)(4)(A) above exclude one automobile to the extent the fair market value does not exceed \$4500. Apply the excess fair market value toward the asset disregard (see Section 113.142). The Department will determine fair market value in accordance with 89 Ill. Adm. Code 121.57(b)(2)(D)(iv).

C) for all other automobiles, apply the equity value (fair market value minus any encumbrance) toward the asset disregard (see Section 113.142).

- 5) Life insurance policies with a total face value of \$1,500 or less and all term life insurance policies. If total face value exceeds \$1,500, the cash surrender value must be counted as a resource.

b) Burial spaces and funds are exempt as follows:

- 1) Burial spaces which are intended for the use of the individual, his or her spouse, or any other member of his or her immediate family. Immediate family is defined as an individual's minor and adult children, including adopted children and step-children, an individual's brothers, sisters, parents, adoptive parents, and the spouses of these individuals.

2) Funds set aside for the burial expenses of the individual and his or her spouse, subject to a limit of \$1,500 each. This limit will be reduced by the face value of any excluded life insurance policy and the amount of any funds held in an irrevocable trust or other irrevocable arrangement which are available for burial expenses.

3) Interest earned on excluded burial funds and appreciation in the value of excluded burial arrangements which occurred the earlier of the date of first SSI eligibility or the date of ABD eligibility, but no earlier than November 1, 1982 (see 20 CFR 416.1231(b)(5)(1989)).

c) Assets necessary for fulfillment of an approved plan for achieving self support.

d) Trust funds are exempt as follows:

- 1) The principal of a trust fund only when the instrument

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establishing the trust specifically states the principal cannot be impaired.

- 2) The principal of a trust fund established under the Self Sufficiency Trust Fund Program (20 ILCS 1705/21.1).
- e) Assets excluded by express provision of 20 CFR 416.1236 (1989).
- f) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (for example, not available to the client or the responsible relative) over the donations or benefits or the disbursement of donations or benefits.
- g) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one time lump sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- h) Money received from the Social Security Administration under a Plan to Achieve Self-Support (PASS) and held in a separate account.
- i) Disaster relief payments provided by federal, state or local government or a disaster assistance organization.
- j) The amount of earned income tax credit which the client receives as advance payment or as a refund of federal income tax.

(Source: Amendment at 19 Ill. Reg. 10, effective JAN 26 1989)

Section 113.157 Sponsors of Aliens

- a) This Section applies to all aliens except:
 - 1) persons paroled into the United States as refugees, under Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5));
 - 2) persons granted asylum by the Attorney General of the United States under Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);
 - 3) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 153(a)(7));
 - 4) persons admitted by application after March 31, 1980 under Section 207(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(1));
 - 5) persons who became blind or disabled, as defined by the Social Security Administration in 20 CFR 416.901, after entering the United States; and
 - 6) MAG applicants and recipients.
- b) With respect to sponsors of aliens, certain amounts of the income and assets of the sponsor and sponsor's spouse, if they live together, are deemed available unearned income and/or assets of the individual alien applying for or receiving AABD MAG assistance if:
 - 1) the sponsor signed an affidavit of support or a similar agreement

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- 2) assuring the alien would not become a public charge; the alien has been a resident of the United States for less than ~~three~~ five years;
- 3) the sponsor is not a recipient of AFDC or SSI, or SSP; and
- 4) the alien is not a child or spouse of the sponsor.
- c) A sponsor is an individual, not an organization.
- d) The Department ~~will~~ shall count the sponsor's spouse's income and assets even if the sponsor and spouse married after the agreement to support was signed.
- e) The sponsor, if found able to support the alien, wholly or partially, is liable for the needs of the individual alien only. The sponsor is not responsible for the needs of the spouse or ~~child~~ child or children of the alien if ~~he/she~~ he or she did not sponsor them.
- f) If two or more aliens applying for assistance are sponsored by the same sponsor, the income of the sponsor is deemed available as if each alien is the only one sponsored by that person.
- g) The Department ~~will~~ shall determine the sponsor's liability to support the alien applicant/recipient as follows:
 - 1) Determination of Sponsor's Available Income:
 - A) The Department ~~will~~ shall disregard 20%, not to exceed \$175.00, of the earned income of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) The Department ~~will~~ shall add the unearned income of the sponsor and spouse, if they live together.
 - C) If the sponsor's children are living with the sponsor, the Department ~~will~~ shall determine the needs of the sponsor and the sponsor's spouse and family using the appropriate AFDC Assistance Standard (see 89 Ill. Adm. Code 111.101). The sponsor and other individuals living with the sponsor who are claimed as federal tax dependents are included in making this determination.
 - D) If the sponsor and the sponsor's spouse have no dependent children living with them, the Department ~~will~~ shall determine their needs using the appropriate AABD Assistance Standard (see 89 Ill. Adm. Code 111.101).
 - E) The Department ~~will~~ shall deduct from income:
 - i) any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents; and
 - ii) any maintenance or child support paid to individuals not living with the sponsor.
 - F) Any remaining income is applied to the needs of the alien.
 - 2) Determination of the Total Amount of Assets of the Sponsor and Sponsor's Spouse.
 - A) The asset disregard for a sponsor of an alien is \$2,000; for a sponsor and spouse residing together, \$3,000; and for a sponsor living with two or more dependent family members,

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\$3,000 for the sponsor and one dependent plus \$50 for each additional dependent.

- B) The same assets are exempt as for an AABD case (see Section 113.141).

(Source: Amended at 19 Ill. Reg. 1052, effective JAN 26 1995)

Section 113.248 Shelter

a) Room and Board

For a client who has room and board arrangements, the actual cost of room and board, not to exceed \$134.98 per month is allowed in Cook, Lake, DuPage, or Kane counties. Clients living in other counties are allowed the actual cost of room and board, not to exceed \$127.43 per month.

b) Rent

The maximum rental allowance, for the dwelling exclusive of utilities, heat, water and furnishings, is the actual cost of rent, not to exceed \$97.00. When a client shares a living arrangement, dwelling the amount budgeted as rent is determined on an equal share basis among all the members of the shared household. The shelter maximum applies to the household dwelling-unit, not to the shares of the individual household members.

c) Property Expense, Taxes and Insurance

For clients living in homestead property, the actual cost, not to exceed \$97.00, of property expenses shall be allowed in lieu of rent. Annual expenses (taxes, insurance) prorated on a monthly basis determine the expense.

(Source: Amended at 19 Ill. Reg. 1052, effective JAN 26 1995)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number: 148.40
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5.12-13) and Public Act 88-484
- 5) Effective Date of Amendments: January 20, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 20, 1995
- 9) Notice of Proposal Published in Illinois Register: September 30, 1994 (18 Ill. Reg. 14600)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
In subsection (a)(7)(C), the period at the end of the subsection has been changed to a semicolon.
In subsection (d)(1)(D), the semicolon at the end of the subsection has been changed to a period.
In subsection (f)(2), an ILCS cite reading "[320 ILCS 15]" has been added following "(Ill. Rev. Stat. 1991, ch. 23, par. 6501-1 et seq.)".
No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These proposed amendments to the

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Department's rules concerning psychiatric services, are intended to implement certain provisions under Public Act 88-484 requiring that any individual under consideration for admission to a State-operated facility, be screened by a community mental health agency. This is necessary to assure that individuals at risk of hospitalization are assessed and receive the least restrictive appropriate services based upon an assessment of their needs and service availability. These changes eliminate the requirement for written consent of the client for the release of certain information when the client is referred to a State-operated facility. The proposed amendments concur with the Confidentiality Act which allows for the disclosure of a client's record or communication without consent for the purpose of admission, treatment, planning or discharge by service providers, including community hospitals. These rule revisions will facilitate the transfer of clients from private hospitals to psychiatric institutions operated by the Department of Mental Health and Developmental Disabilities (DMHDD).

According to these proposed amendments, written client consent is not needed for transfers to DMHDD facilities, when a private psychiatric hospital notifies a prescreening entity of the intended referral, or notifies the community mental health agency or private practitioner of the date and time of discharge and invites their participation in the discharge planning process.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Uncompensated Care Payment Adjustments
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over 3 Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments
148.300	Payment
148.310	Review Procedure

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- 148.320 Alternatives
 148.330 Exemptions
 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions
 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
 148.373 Utilization (Repealed)
 148.376 Utilization, Case-Mix and Discretionary Funds
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg.

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17648, effective November 29, 1994; amended at 19 Ill. Reg. **1067**, effective **JAN 20 1995**.

Section 148.40 Special Requirements

a) Inpatient Psychiatric Services

- 1) Payment for inpatient hospital psychiatric services shall be made only to:
 - A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the Department to provide, psychiatric services; or
 - B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1).
- 2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.
- 3) Inpatient psychiatric services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
- 4) Federal Medicaid regulations preclude payment for patients over 20 or under 65 years of age in any institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his/her 21st birthday, reimbursement for psychiatric services shall be provided until the earliest of the following:
 - A) The date the patient no longer requires the services; or
 - B) The date the patient reaches 22 years of age.
- 5) A psychiatric hospital must be accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute an interagency agreement with a DMHDD-operated mental health center (State-operated facilities) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(6) below.
- 6) Coordination of Care - Purpose. In accordance with subsection (a)(5) above, distinct part psychiatric units and psychiatric

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hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute a Coordination of Care Agreement in order to participate as a provider of inpatient psychiatric services. The Coordination of Care Agreement shall set forth an agreement between the DMHDD-operated mental health center (State-operated facility) and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.

- 7) Coordination of Care - General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(6) above are as follows:

A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by JCAHO;

B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated thereunder which prohibit discrimination on the grounds of sex, race, color, national origin or handicap;

C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 U.S.C.A. 2000e (1981), 29 U.S.C.A. 203 et seq. (1982), Ill. Rev. Stat. 1991, ch. 68, pars. 101 et seq. [775 ILCS 25];

D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party having given thirty (30) days prior notification.

- 8) Coordination of Care - Special Requirements. The hospital shall:
- A) Provide on its premises the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require inpatient care and/or assessment of mental status, mental illness, emotional disability, and other psychiatric problems;

B) ~~With the written consent of the individual, notify~~ the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescreen the case prior to referring the individual to the designated State-operated facility. The community mental health agency's resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission;

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- C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a referral for involuntary or judicial admission;
- D) ~~With the written consent of the individual, notify~~ the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process;
- E) Refer to the State-operated facility only those individuals for whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital; and
- F) Notify the State-operated facility prior to planned transfer of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he/she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany the recipient at the time of admission to the State-operated facility.

- 9) Coordination of Care - Special Requirements of the State-Operated Facility. The State-operated facility shall:

A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission consistent with the provisions of the Mental Health and Developmental Disabilities Code.

B) Evaluate individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.

C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.

- 10) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.

- b) Inpatient Rehabilitation Services

1) Payment for inpatient rehabilitation services shall be made only

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to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25(c)(2), which specializes in, and is enrolled with the Department to provide, physical rehabilitation service or a hospital, as defined in 89 Ill. Adm. Code 149.50(c)(2), which holds a valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.

2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habilitating or restoring the person to a realistic maximum level of functioning.

3) Inpatient rehabilitation services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

4) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified by the Health Care Financing Administration for participation under the Medicare Program (Title XIII) and must be licensed and/or certified by the Illinois Department of Public Health to provide comprehensive physical rehabilitation services. Out-of-state hospitals which specialize in physical rehabilitation services must be licensed and/or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.

5) A rehabilitation facility must meet the following criteria:

A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation;

B) Have an organized medical staff;

C) Have available consultants qualified to perform services in appropriate specialties;

D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services;

E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results; and

F) Submit reports as required by the Department of Public Aid.

6) A rehabilitation facility must provide, or have a contractual arrangement with an appropriate entity or agency to provide, the following minimal services:

A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing;

B) Full-time physical therapy and occupational therapy services; and

C) Social casework services as an integral part of the

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rehabilitation program.

7) A rehabilitation facility must have available the following minimal services:

A) Psychological evaluation services;

B) Prosthetic and orthotic services;

C) Vocational counseling;

D) Speech therapy;

E) Clinical laboratory and x-ray services; and

F) Pharmacy services.

8) The director of rehabilitation must meet the following criteria:

A) Provide services to the hospital and its patients as specified in subsection (b)(5) above;

B) Be a doctor of medicine or osteopathy;

C) Be licensed under State law to practice medicine or surgery; and

D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.

9) Personnel of the rehabilitation facility must meet the following minimum standards:

A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.

B) Physical therapists shall be licensed by the Illinois Department of Professional Regulation.

C) Occupational therapists shall be licensed by the Illinois Department of Professional Regulation.

D) Registered nurses and licensed practical nurses shall be currently licensed by the Illinois Department of Professional Regulation or comparable licensing agency in the State in which the facility is located.

E) Social workers shall have completed two years of graduate training leading to a Master's Degree in social work from an accredited graduate school of social work.

F) Psychologists shall have a Master's Degree in clinical psychology.

G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.

H) An orthotist or prosthetist, certified by the American Board of Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.

c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT

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and services are provided as follows:

- 1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease;
- 2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR Part 405, Subparts S and U (1984), and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRDT services; or

- 3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR Part 405, Subparts S and U (1984), and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRDT services.

- d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 148.25(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.461(a). The following four categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:

- 1) General Clinic Services. General clinic services are diagnostic, therapeutic and palliative services provided under the direction of a physician who provides for the health care needs of persons who elect to use this type of service rather than another source of primary care. In order to participate as a provider of general clinic services, a hospital must meet the following requisites:

- A) The hospital must be enrolled for participation in the Medical Assistance Program to provide general inpatient (category of service 20) and general outpatient (category of service 24) hospital services.

B) Personnel

- i) The clinic must be organized as a distinct hospital department with a qualified, trained executive in charge of all activities and responsible to the administration of the hospital;
- ii) An advisory medical council must function to assist the executive officer in formulating policies for the management and care of clinic patients;
- iii) The qualifications of the medical staff of the clinic must meet the same requirements that apply to the hospital staff;

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- iv) Nursing services must be provided by licensed nurses under the supervision of a registered professional nurse (R.N.); and
- v) A dietician must be available to instruct the patients regarding special diets and to plan with the patients in the buying and preparation of food.

C) Program

- i) The program of the clinic must ensure the provision of comprehensive, high quality, personalized, and continuous health care services to its patients. This means that, at a minimum, the clinic must provide or contract for the services of a sufficient number of primary and specialty care physicians to meet the health needs of patients of the clinic, and must have provisions made for the back-up care of patients when the clinic is not open;
- ii) The laboratory, x-ray, and special therapy services must be available for clinic patients, as needed;
- iii) The pharmacy must be an integral part of the clinic organization; and
- iv) The medical social services in the clinic must be integrated with those in the hospital.

D)

- Physical Setting and Equipment. The size, location, ventilation, and lighting of accommodations for interviewing, examining, and treating patients and appropriate equipment must be adequate to serve the number and needs of patients accepted by the clinic.

E) Records

- i) Clinic records must accurately reflect the patient's condition and contain all significant facts bearing on the case, i.e., history, symptoms and complaints, physical examination findings, laboratory and x-ray procedures, and medications ordered and their results, diagnosis, treatment given or recommended and the patient's response to treatment; and
- ii) Clinic records must contain the dates of service and the name of the medical practitioner seeing the patient at the time of each clinic visit.

2) Psychiatric Clinic Services

- A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital clinic setting for individuals through the age of 21.
- B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social,

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recreational, and task-oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's participation in this treatment program is limited to six months in any twelve month period.

C) Coverage. Psychiatric clinic services are covered for all Medicaid-eligible individuals. The services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

D) Approval. The Illinois Department of Mental Health and Developmental Disabilities (DMHDD) and the Illinois Department of Public Aid (IDPA) are responsible for approval and enrollment of community hospitals providing psychiatric clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must be enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DMHDD and the Department, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:

i) The hospital must be accredited by, and be in good standing with, the Joint Commission on Accreditation of Health Care Organizations (JCAHO);

ii) The hospital must have executed a Coordination of Care Agreement between the hospital and the designated Illinois Department of Mental Health and Developmental Disabilities' State-operated facility serving the mentally ill in the appropriate geographic area;

iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services;

iv) The hospital must agree to participate in Local Area Networks in compliance with P.L. 99-660 and P.A. 86-844; and

v) The hospital must be enrolled to participate in Medicaid program (Title XIX) and must meet all conditions and requirements set forth by the Illinois Department of Public Aid.

E) Duration of Approval. The approval described in subsection (d)(2)(D) above shall be in effect for a period of two years from the date IDPA approves the psychiatric client's enrollment. The approval may be terminated by IDPA or DMHDD with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to IDPA and DMHDD when terminating delivery of psychiatric clinic services.

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3) Physical Rehabilitation Clinic Services

A) Physical rehabilitation clinic services include the same rehabilitative services provided to inpatients by hospitals enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.

B) Physical rehabilitation clinic services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

e) Healthy Moms/Healthy Kids Managed Care Clinics. Healthy Moms/Healthy Kids managed care clinics, as described in 89 Ill. Adm. Code 140.461(f) and Section 148.25(b)(5), must meet the requirements of 89 Ill. Adm. Code 140.461(f).

f) Transition to the Diagnosis Related Grouping Prospective Payment System (DRG PPS)

1) Effective with admissions occurring on or after September 1, 1991, and before October 1, 1992, hospitals shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

2) Effective with admissions occurring on or after October 1, 1992, hospitals that, on August 31, 1991, had a contract in effect with the Department under the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 23, par. 6501-1 et seq.) [320 ILCS 15] and that elected, effective September 1, 1991, to be reimbursed at rates stated in such contracts, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care in accordance with subsection (g) of this Section.

3) In the case of a hospital that was determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b) shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient services during the rate period described in Section 148.25(g)(2)(A):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, or

B) the rate calculated under Section 148.260.

4) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in Section 148.25(g)(3), on July 14, 1993, those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following

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payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or

B) the rate calculated under Section 148.260 that would have been in effect for the rate period described in Section 148.25(g)(2)(A) if the hospital had been designated as a sole community hospital on October 1, 1992.

- 5) For the rate periods described in Section 148.25(g)(2)(B), hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided during such rate periods described in Section 148.25(g)(2)(B):
- A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
- B) the rate calculated under Section 148.260.

g) Annual Irrevocable Election

- 1) Hospitals described in subsections (f)(2) and (f)(3) above may elect to be reimbursed under the special arrangements described in subsections (f)(2) and (f)(3) above at the beginning of each rate period.
- 2) Hospitals described in subsection (f)(4) above may elect to be reimbursed under the special arrangements described in subsection (f)(4) above effective with admissions, or, if applicable, with inpatient services provided, on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A).
- 3) Hospitals described in subsection (f)(5) above may elect to be reimbursed under the special arrangements described in subsection (f)(5) above at the beginning of each rate period described in Section 148.25(g)(2)(B).
- 4) Once a sole community hospital elects to be reimbursed under the DRG PPS, it may not later in that rate period elect to be classified as exempt. Once a sole community hospital elects to be reimbursed as exempt, it may not later in that rate period elect to be reimbursed under the DRG PPS.
- 5) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care. Once such election has been made, the hospital may not later in that rate period year elect to be reimbursed under any other methodology.
- 6) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act and have elected to be reimbursed under the DRG PPS may not later elect to be reimbursed at rates stated in such contracts.

- h) Notification of Reimbursement Methodology
- 1) Hospitals shall receive notification from the Department with respect to the reimbursement methodologies that shall be in effect for admissions occurring during the rate period.

- 2) Hospitals described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall receive notification of their reimbursement options accompanied by a Choice of Reimbursement form. Each hospital described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall have 30 days from the date of such notification to file, with the Department, the reimbursement method of choice for the rate period. In the event the Department has not received the hospital's Choice of Reimbursement form within 30 days from the date of notification, as described above, the hospital will automatically be reimbursed for the rate period under the reimbursement methodology that would have been in effect without benefit of the election described in subsection (g) above.

- i) Zero Balance Bills. The Department requires a hospital to submit a bill for any inpatient service provided to an Illinois Medicaid eligible person, including newborns, regardless of payer. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that the information can be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the reimbursement methodology under which they are reimbursed.

(Source: Amended at 19 Ill. Reg. 1067, effective JAN 20 1995)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action:
140.569 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 20, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 20, 1995
- 9) Notice of Proposal Published in Illinois Register: October 7, 1994 (18 Ill. Reg. 14851)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes have been made in the proposed amendments.
- Subsection (a)(1) has been revised by enclosing the ILCS statutory citation in brackets instead of parentheses, and reads "[305 ILCS 5/5-5.8a)".
- In subsection (c)(1), the period at the end of the subsection has been changed to a semicolon.
- Subsection (1)(1) has been revised to read:
- All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under the Illinois Public Aid Code [305 ILCS 5/5-2], and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program described in the Health Finance Reform Act [20 ILCS 2215/3-5].
- Subsection (1)(3) has been revised to read:

The Department shall review exceptional care residents' utilization of services every 90 days. A review may be waived by Department exceptional care staff if one or more previous assessments show that

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a resident's condition has stabilized. However, two consecutive reviews shall not be waived. Department exceptional care staff will maintain contact with the long term care facility regarding the resident's condition during the time period any assessment is waived.

The title of subsection (d) has been revised to read "Training Requirements for Facilities Providing Exceptional Care for Ventilator Dependent Residents".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.12	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.16	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.19	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.32	Amendment	November 4, 1994 (18 Ill. Reg. 16059)
140.413	Amendment	July 8, 1994 (18 Ill. Reg. 10637)
140.523	Amendment	January 13, 1995 (19 Ill. Reg. 165)
140.645	Amendment	December 16, 1994 (18 Ill. Reg. 17865)

- 15) Summary and Purpose of Amendments: These amendments change the requirements for review of utilization of services provided in the Exceptional Care Program. Currently, requirements according to Section 140.569 specify that the Department shall review exceptional care residents' utilization of services every 90 days. The review may be waived if at least three previous assessments have shown that a resident's condition has stabilized.

Changes in review requirements were initiated because the Fiscal Year 92-93 Auditor General's Financial Compliance Report recommended that the Department implement procedures to ensure that all reviews required in the Exceptional Care Program are performed according to State regulations, and Department staff believe the current requirements are excessive. Therefore, requirements for review of utilization of services are being reduced. Under the amendments, a review may be waived when one or more previous assessments have established that a resident's condition has stabilized. However, two consecutive reviews shall not be waived. During the time period that any assessment is waived, Department staff will

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maintain contact with the long term care facility regarding the resident's condition. Additionally, several technical changes have been made in Section 140.569.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-WANG, AABD, AABD-WANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver) Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4 Covered Medical Services Under GA
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140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.7 Medical Assistance For Qualified Severely Impaired Individuals
140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.9 Medical Assistance Provided to Incarcerated Persons
140.10

SUBPART B: MEDICAL PROVIDER PARTICIPATION

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- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.24	Payment Procedures	140.360	Payment Methodology (Recodified)
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140.26	Payment to Factors Prohibited	140.362	Pre July 1, 1989 Services (Recodified)
140.27	Assignment of Vendor Payments	140.363	Post June 30, 1989 Services (Recodified)
140.28	Record Requirements for Medical Providers	140.364	Prepayment Review (Recodified)
140.30	Audits	140.365	Base Year Costs (Recodified)
140.31	Emergency Services Audits	140.366	Restructuring Adjustment (Recodified)
140.32	Prohibition on Participation, and Special Permission for Participation	140.367	Inflation Adjustment (Recodified)
140.33	Publication of List of Terminated, Suspended or Barred Entities	140.368	Volume Adjustment (Repealed)
140.35	False Reporting and Other Fraudulent Activities	140.369	Groupings (Recodified)
140.40	Prior Approval for Medical Services or Items	140.370	Rate Calculation (Recodified)
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140.42	Limitation on Prior Approval	140.372	Review Procedure (Recodified)
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained	140.373	Utilization (Repealed)
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice	140.374	Alternatives (Recodified)
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140.116	Payment for Inpatient Services for GA (Recodified)		
140.117	Hospital Outpatient and Clinic Services (Recodified)		
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)		
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 9 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21829, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24,

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effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table H and 140-Table I reclassified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7595, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1998, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Adm. Code 146.5 thru 146.235 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 33241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 77141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7349, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 1, 1990, for a

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1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140-71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12390, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective

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maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15381, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 620, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201,

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effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. **10824**, effective **JAN 20 1995**.

SUPBART E: GROUP CARE

Section 140.569 Clients With Exceptional Care Needs

a) Exceptional Care Program

- 1) Pursuant to Section 5-5.8a of the Illinois Public Aid Code [305 ILCS 5/5-5.8a] ~~1111-Rev--Stat--1989--Ch--23--Part--5-5A7~~, the Department may make payments to nursing facilities which substantially meet licensure and certification requirements as may be prescribed by the Department of Public Health. For purposes of this Section, substantial compliance shall mean the:
 - A) ~~facility~~Facility does not have Type A ~~violations~~violations;
 - B) ~~facility~~Facility is currently enrolled in the Medical Assistance Program;
 - C) ~~facility~~Facility is licensed by the Department of Public Health;
 - D) ~~facility~~Facility does not have a conditional license;
 - E) ~~facility~~Facility must provide reasonable access to Medicaid patients. Access will be considered reasonable when:
 - i) Medicaid recipients constitute at least 25% of the facility's average daily census; or
 - ii) ~~the~~the proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or
 - iii) ~~the~~the facility can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources. the basis for determining priority of admission must be expressed in policy. Records

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documenting consistent application of the policy must be maintained:

- F) ~~Facility~~ Facility meets at least 92% of patient needs based on the last IOC assessment conducted.
- 2) The Department may, but is not required to, enter into contracts with facilities offering exceptional medical services, referred to herein as Providers.
- 3) Exceptional medical care is defined as the level of medical care required by persons who require a multi-disciplinary level of care for physician, nurse and ancillary specialist services with exceptional costs related to extraordinary equipment and/or supplies that have been determined to be a medical necessity. Beginning July 1, 1991, this may apply to Medicaid patients who are being discharged from the hospital or Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility. This includes but is not limited to persons with acquired immune deficiency syndrome (AIDS) or related condition, head-injured persons, and ventilator dependent persons. In order for a person to be assessed for exceptional care placement the hospital must be entitled to receive Medicaid reimbursement as the primary source of payment for this person.
- 4) The Department shall negotiate with nursing home ~~providers~~ providers and enter into a contract with ~~providers~~ providers. The rate of payment will be reasonable and adequate to meet the costs incurred by the facilities providing exceptional care. Providers may negotiate separate facility wide rates for separate types of care. In determining the rate of payment to a facility, the Department shall take into account cost information submitted by the facility.
- b) Exceptional Care Contract Requirements
The Department may enter into a contract for exceptional care services only if the provider ~~Provider~~ agrees to the following conditions:
 - 1) The ~~Provider~~ provider will maintain separate records regarding costs related to the care of the exceptional care residents, reporting them in the ancillary section of the Department Long Term Care Facility Cost Reports.
 - 2) The facility must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records.
 - 3) The ~~provider~~ provider must maintain and provide documentation demonstrating:
 - A) Adherence to staffing requirements as set out in subsection (c) of this Section;
 - B) Adherence to staff training requirements as set out in subsection (d) of this Section;
 - C) Validity of written agreements as required in subsection (e) of this Section;
 - D) Presence of emergency policy and procedures as set out in

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subsection (f) of this Section;

- E) Medical condition of the resident; and
- F) Care, treatments and services provided to the resident.
- 4) The ~~Provider~~ provider must have and maintain physical plant adaptations to accommodate the necessary equipment.
- 5) The ~~Provider~~ provider must have and maintain an emergency electrical backup system.
- c) Exceptional Care Staffing Requirements
Staffing requirements for facilities providing exceptional care include:
 - 1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health ~~and set-out~~ in 77 Ill. Adm. Code 300.1240 or 250.910 (e) and (f)(1) as appropriate). Additional RN staff may be determined necessary by the Department of Public Aid, based on the Department's review of the individual exceptional care ~~clients'~~ client's needs and/or the exceptional care needs relative to the category of services being contracted for;
 - 2) A minimum of the required number of LPN staff (as required by the Department of Public Health ~~and set-out~~ in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910 (e) and (f)(1) as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week; and
 - 3) A certified respiratory therapy technician or registered respiratory therapist, on staff or on contract with the facility, for those facilities serving ventilator dependent residents or residents requiring respiratory therapy services.
 - d) Training requirements Requirements for Facilities Providing Exceptional Care facilities providing exceptional care for Ventilator Dependent Residents ventilator-dependent residents include:
 - 1) At least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist ~~as certified/registered by the Department of Professional Regulation~~ or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons, and
 - 2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist ~~as certified/registered by the Department of Professional Regulation~~ or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of

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presentation and signature and position description of all participants.

e) Exceptional Care Agreement Requirements

The Provider Provider must have a valid written agreement with:

- 1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;
- 2) A local emergency transportation provider;
- 3) A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and
- 4) A certified respiratory therapy technician or registered respiratory therapist, (unless a respiratory therapist is on staff within the facility) when accepting ventilator dependent residents or residents requiring respiratory therapy services.

f) Exceptional Care Emergency Policy and Procedures Requirements

The Provider Provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.

g) Accessibility to Records

The Provider Provider must make accessible to IDPA and/or IDPH all facility, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of exceptional care services.

h) Contract Negotiations

- 1) A Provider Provider shall notify the Department of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.

- 2) Negotiations between the Provider Provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.

- 3) Prior to the beginning of negotiations, the Provider Provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish such Data Sheet. The Exceptional Care Data Sheet shall require:
 - A) Identification of the types, quantities and costs of services which the Provider Provider intends to offer;
 - B) A staffing plan for the area of the facility serving exceptional care residents; and
 - C) Documentation of the qualifications of staff serving exceptional care residents.

- 4) The Department shall provide each Provider Provider which has notified the Department of its interest in participation in the Exceptional Care Program with a copy of the proposed contract provisions by mailing such proposed contract provisions to the Provider Provider. Each contract shall be for a period of one year.

i) Renewal/Nonrenewal of Exceptional Care Contracts

- 1) Providers desirous of renewing exceptional care contracts must contact the Department in writing ~~sixty~~-60 days prior to the

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expiration date of the contract to express their intent to renew the contract.

- 2) Upon receipt of the Providers' Providers' intent to renew their contract, the Department shall open negotiations as set forth in subsection (h) of this Section.

- 3) Providers desiring to terminate or not renew their contract shall notify the Department ~~sixty~~-60 days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those Providers Providers who do not have a valid exceptional care contract. Payment for exceptional care residents in facilities which terminate or do not renew their contracts will remain at the previous exceptional care rate until such time as the resident no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring, Subsections (1)(2) and (3) of this Section 2-and-3) or the resident is discharged.

- 4) It is the responsibility of a nursing home Provider Provider to effect appropriate discharge planning for exceptional care residents when terminating or not renewing its contract. The Department agrees to assist Providers Providers with any information available regarding appropriate placement settings.

j) Determining Eligibility ~~eligibility~~ for Exceptional Care Payment

~~exceptional care payment~~

- 1) A person being discharged from a hospital must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment. Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility must be approved by an authorized Department representative approximately 30 days prior to the date Medicaid payment will begin.

- 2) Beginning July 1, 1991, in order for a person to be approved for exceptional care placement the cost of the person's care must be at least 25% more than the proposed admitting facility's per diem rate (capital, support and nursing components). Eligible items which may be used in computing the cost of the person's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon maximum allowable costs for service equipment and supplies and HSA wage rates for the proposed admitting facility as determined by the Department.

- k) Provision for Patients for which a Long Term Care Placement is Unavailable

In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient is receiving services. The rate of payment to the hospital shall not exceed the average statewide long term care facility per diem rate for

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the level of services provided.

1) Contract Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under Section 5-2 of the Illinois Public Aid Code [305 ILCS 5/5-2] ~~that Rev. Stat. 1989, ch. 23, par. 5-2, and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program (28--1565--2215/3-5) (that Rev. Stat. 1989, ch. 11, 1/2--par. 653-5, Section 3-5 of described in the Health Finance Reform Act) [20 ILCS 2215/3-5].~~

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance under any contract negotiated for exceptional care.

3) The Department shall review exceptional care residents' utilization of services every ~~ninety~~ 90 days. ~~This A review may be waived by Department Exceptional-Care exceptional care staff if one or more at-least-3 previous assessments show that a resident's condition has stabilized. However, two consecutive reviews shall not be waived. Department Exceptional-Care exceptional care staff will maintain contact with the long term care facility regarding the resident's condition during the time period the any assessment is waived.~~

4) In the event that it is determined that the resident is no longer in need of exceptional care services, the Department shall reduce the rate of payment to the provider ~~Provider~~ to the facility's standard Medicaid per diem rate.

(Source: Amended at 19 Ill. Reg. 1082, effective JAN 20 1995)

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1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Number: Adopted Action:

117.15
Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13] and SB 776

5) Effective Date of Amendments: January 26, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 26, 1995

9) Notice of Proposal Published in Illinois Register: September 23, 1994 (18 Ill. Reg. 14303)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: In the ILCS cite in the AUTHORITY, "3, 4, 6 and 5/" was replaced by "III, IV and VI and".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: These amendments implement provisions of Senate Bill 776 which clarify that reinstatement for failure to cooperate does not apply to situations in which a client fails to cooperate with the monthly reporting process. As a result of this rulemaking, the policy in 89 Ill. Adm. Code Section 117.15 will not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section	
117.1	Incorporation By Reference
117.10	Payee For Financial Assistance
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, P. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, P. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, P. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 1611, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14996, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective

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February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective JAN 26 1995.

Section 117.15 Reinstatement Upon Agreement to Cooperate

- a) Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten ~~10~~ working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
- b) Failure to cooperate includes but is not limited to:
- 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten ~~10~~ working days after the first day the financial aid would have been available, the Department shall inform the client that ~~his/her~~ his or her financial assistance will be reinstated if ~~he/she~~ he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when ~~he/she~~ he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
- d) The client's willingness to cooperate shall be demonstrated by ~~his/her~~ his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.
- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten ~~10~~ working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section ~~above~~.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.
- g) The policy in this Section also does not apply to any cancellation,

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revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the monthly reporting process.

(Source: Amended at 19 Ill. Reg. 1103, effective JAN 26 1995.)

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4. Section 102.25(e)(4) has been revised as follows:

- 4) For a bargaining unit employee, a representative of the bargaining unit may be the representative. The representative is allowed to:
 - A) Be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and
 - B) Be present to make sure a non-bargaining unit employee's rights under the Personnel Rules (80 Ill. Adm. Code 310) are not violated.

Section 102.210

A period was added at the end of the AUTHORITY and the previous effective date was changed from "June 1, 1994" to "June 3, 1994". No other changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Section 102.25

When clients feel that they have not been treated with courtesy, consideration or respect by a Department employee, they or their representative may file a written grievance. The client may file a written grievance in any Department office, even if the grievance is against a staff person not working in that office. The Department investigates any written grievance which is filed within 60 days after the grievance occurrence.

These amendments clarify the purpose of the grievance meeting, the role of an employee's authorized representative and the duties of the intermediary.

Client Grievance Meeting

The meeting to hear a client's grievance is an informal conference and not a hearing. The meeting is not a structured process but a conference controlled by the intermediary to obtain information from the client and

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1) Heading of the Part: Rights and Responsibilities

2) Code Citation: 89 Ill. Adm. Code 102

3) Section Numbers: Adopted Action:

102.25 Amendment
102.210 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13] and SB 776

5) Effective Date of Amendments: January 26, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 26, 1995

9) Notice of Proposal Published in Illinois Register:

Section 102.25
September 9, 1994 (18 Ill. Reg. 13723)

Section 102.210
September 30, 1994 (18 Ill. Reg. 14622)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version:

Section 102.25

Based on recommendations from the Joint Committee on Administrative Rules, the following changes have been made to the text of the proposed amendments:

1. A period was added at the end of the AUTHORITY.

2. In the SOURCE, the previous entry "amended at 18 Ill. Reg. 8938, effective June 1, 1994" was changed to "amended at 18 Ill. Reg. 8938, effective June 3, 1994".

3. In Section 102.25(e)(1)(C), "The person who heard the grievance, if one was held," was changed to "The person who heard the grievance, if a hearing was held."

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the employee in order to determine the facts about the issue. The meetings should be conducted so as to protect both the client and the employee from abuse.

Authorized Representative for the Employee

The employee against whom the grievance was filed may have an authorized representative attend the client grievance meeting. For a bargaining unit employee, a representative of the bargaining unit may be the representative. The representative is allowed to:

- Be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and
- Be present to make sure a non-bargaining unit employee's rights under the Personnel Rules are not violated.

Intermediary

The intermediary registers all grievances in a log. The information on the log should contain:

- The name of the grievant.
- The name of the worker or workers against whom the grievance is directed.
- The person who conducted the grievance meeting (if it was held).
- The issue or issues involved.
- The resolution of the grievance and any appropriate effective dates.

Section 102.210

In accordance with provisions of Senate Bill 776, these amendments allow the Department's claim against the estate of a deceased recipient or the deceased recipient's surviving spouse to encompass all medical assistance paid out for the recipient while 55 years of age or older. Prior to this rulemaking, the Department's estate claim encompassed medical assistance paid out for a recipient while 65 years of age or older.

These amendments will not result in any additional expenditures by the Department.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umunna
Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

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Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 102

RIGHTS AND RESPONSIBILITIES

Section

- 102.1 Incorporation By Reference
- 102.10 Rights of Clients
- 102.20 Nondiscrimination
- 102.25 Grievance Rights of Clients
- 102.30 Confidentiality of Case Information
- 102.35 Case Records
- 102.40 Freedom of Choice
- 102.50 Reporting Change of Circumstances
- 102.60 Referral Requirements
- 102.63 Reporting Child Abuse/Neglect
- 102.66 Suitability of Home
- 102.70 Notice to Client
- 102.80 Right to Appeal
- 102.81 Continuation of Assistance Pending Appeal
- 102.82 Time Limit for Filing an Appeal
- 102.83 Examining Department Records
- 102.84 Child Care
- 102.90 Voluntary Repayment of Assistance
- 102.100 Excess Assistance (Recodified)
- 102.110 Recoupment of Overpayments (Recodified)
- 102.120 Correction of Underpayments
- 102.200 Recovery of Assistance
- 102.210 Estate Claims
- 102.220 Real Property Liens
- 102.230 Filing and Renewal of Liens
- 102.235 Liens on Property of Institutionalized Recipients
- 102.240 Foreclosure of Liens
- 102.250 Release of Liens
- 102.260 Personal Injury Claims
- 102.270 Convictions of Fraud - Eligibility
- 102.280 Single Conviction of Fraud - Administrative Review Board

AUTHORITY: Implementing Article XI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-1 et seq. and 12-13) [305 ILCS 5/Art. XI and 12-13].

SOURCE: Filed and effective December 31, 1977; peremptory rule at 2 Ill. Reg. 52, p. 449, effective December 13, 1978, amended at 2 Ill. Reg. 52, p. 462, December 23, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 39, effective March 1, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979;

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amended at 3 Ill. Reg. 43, p. 195, effective October 15, 1979; amended at 5 Ill. Reg. 8035, effective July 27, 1981; amended at 5 Ill. Reg. 10775, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 7 Ill. Reg. 8350, effective July 1, 1983; amended at 8 Ill. Reg. 18910, effective September 26, 1984; amended at 9 Ill. Reg. 327, effective December 31, 1984; amended at 9 Ill. Reg. 3730, effective March 13, 1985; amended at 9 Ill. Reg. 6812, effective April 26, 1985; amended at 9 Ill. Reg. 7162, effective May 1, 1985; amended at 9 Ill. Reg. 13091, effective August 16, 1985; amended at 9 Ill. Reg. 14704, effective September 13, 1985; amended at 9 Ill. Reg. 15912, effective October 4, 1985; amended at 10 Ill. Reg. 3981, effective February 22, 1986; amended at 10 Ill. Reg. 14795, effective August 29, 1986; amended at 10 Ill. Reg. 19088, effective October 24, 1986; Sections 102.100 and 102.110 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 14067, effective August 10, 1987; amended at 11 Ill. Reg. 18239, effective October 30, 1987; amended at 12 Ill. Reg. 3735, effective February 5, 1988; amended at 13 Ill. Reg. 3940, effective March 10, 1989; amended at 14 Ill. Reg. 13279, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 20078, effective December 3, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 7202, effective April 30, 1991; amended at 18 Ill. Reg. 273, effective December 28, 1993; amended at 18 Ill. Reg. 8938, effective June 3, 1994; amended at 19 Ill. Reg. 1108, effective JAN 26 1995.

Section 102.25 Grievance Rights of Clients

- a) When clients feel that they have not been treated with courtesy, consideration or respect by a Department employee, they or their representative may file a written grievance. The client may file a written grievance in any Department office, even if the grievance is against a staff person not working in that office.
- b) The Department will investigate any written grievance which is filed within 60 days after the grieved occurrence. A client grievance filed more than 60 days after the grieved occurrence will not be investigated by the Department.
- c) Responsibility for Handling a Grievance
 - 1) When the client is in the local office and files a grievance against a local office staff person, the intermediary will handle the grievance.
 - 2) When the client is in the local office and files a grievance against the local office administrator, the local office administrator or designee will accept the grievance and notify the next higher level supervisor.
 - 3) When the client is in the local office and files a grievance against other agency personnel, the worksite manager will accept the grievance and notify the appropriate intermediary.
 - 4) When the client is in any other Department office and files a grievance against a local office staff person or other agency personnel, the worksite manager will accept the grievance and

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notify the appropriate intermediary within 48 hours.

d) Intermediary

1) An intermediary is a designated staff person who investigates and decides the merits of a client grievance. If necessary, the intermediary decides about disciplinary action.

2) For local office personnel, the intermediary is:

- A) The local office administrator;
- B) A management person designated by the local office administrator; or
- C) The next higher level supervisor if the grievance is filed against the local office administrator.

3) For other agency personnel, the intermediary is:

- A) The Bureau Chief of the employee against whom the grievance has been filed; or
- B) A management person designated by the Bureau Chief.

e) Investigation and Conference

1) The intermediary registers all grievances in a log. The information on the log contains:

- A) The name of the grievant;
- B) The name of the worker or workers against whom the grievance is directed;
- C) The person who heard the grievance, if a hearing was held;
- D) The issue or issues involved; and
- E) The resolution of the grievance and any appropriate effective dates.

2) The intermediary will investigate the grievance. If necessary, the intermediary will determine the merits of the grievance and any disciplinary action that may be indicated.

273) When the intermediary determines that the investigation indicates a need for action, the intermediary will register--the grievance--and send a copy of the grievance to the employee against whom the grievance was filed. Within ten days after the receipt of the grievance, the intermediary will arrange a conference between:

- A) The client who filed the grievance;
- B) The representative of the client who filed the grievance, if any;

C) The employee against whom the grievance was filed;

D) A representative designated by the employee, if any; and

E) The intermediary.

4) For a bargaining unit employee, the representative of the bargaining unit may be the representative. The representative is allowed to:

A) Be present to make sure that a bargaining unit employee's rights under the contract are not violated and that the collective bargaining agreement is not violated; and

B) Be present to make sure a non-bargaining unit employee's rights under the Personnel Rules (80 Ill. Adm. Code 310) are

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not violated.

5) The meeting to hear a client's grievance is an informal conference controlled by the intermediary to obtain information from the client and the employee in order to determine the facts about the issue. The meeting should be conducted so as to protect both the client and the employee from abuse.

376) Within 15 calendar days after the conference, the intermediary will advise the client who filed the grievance in writing of any action being taken. The client will not be informed of disciplinary action taken against Department staff.

f) The Department will take corrective action when just cause is shown in accordance with the Agreements between the State of Illinois and the American Federation of State, County and Municipal Employees or Personnel Rules of the Department of Central Management Services (80 Ill. Adm. Code 302: Subpart K), whichever is applicable.

(Source: Amended at 19 Ill. Reg. 1108, effective JAN 26 1995.)

Section 102.210 Estate Claims

a) The Department's claim against the estate of a deceased recipient or the deceased recipient's surviving spouse shall encompass:

- 1) all income maintenance assistance paid out at any time, and either
- 2) all medical assistance paid out at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien, or
- 3) all medical assistance paid out for a recipient while 55 65 years of age or older.

b) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

Assistance Program	Effective Date
1) AABD (Aged)	1) 1963
(AABD(A))	
2) AABD (Blind) and (Disabled)	2) November, 1963
(AABD(B) and (D))	
3) MANG (Blind), and (Disabled)	3) January 1, 1966
(MANG(A),(B), and (D))	

c) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.

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- d) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.
- e) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:
- 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
 - 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

(Source: Amended at 19 Ill. Reg. **1108**, effective **JAN 26 1995**)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

AIDS Confidentiality and Testing Code

2) Code Citation:

77 Ill. Adm. Code 697

3) Section Numbers

697.30

Amendment

697.200

Amendment

697.210

Amendment

697.220

Amendment

Adopted Action4) Statutory Authority:

Implementing and authorized by the AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7301 et seq.) [410 ILCS 305], the AIDS Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7351 et seq.) [410 ILCS 310], the Communicable Disease Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.10 et seq.) [410 ILCS 315] and Sections 55, 55.11, 55.41, and 55.45 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55, 55.11, 55.41, and 55.45) [20 ILCS 2315/55, 55.11, 55.41, and 55.45].

5) Effective Date of Rules:

January 20, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain Any Incorporations by Reference? Yes8) Date Filed in Agency's Principal Office:

January 20, 1995

9) Date Notice(s) of Proposal was Published in Illinois Register:

June 17, 1994 - 18 Ill. Reg. 8840

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

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In Section 697.30 the incorporation of the Centers for Disease Control's "AIDS Confidential Case Report" was updated from the 1987 edition to the 1993 edition.

In addition, various typographical, grammatical and format changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rules:

This rulemaking amends existing rules concerning the title of the AIDS case reporting form and the information that is to be collected to reflect the CDC's revised case reporting forms. The rulemaking also amends current language to eliminate redundancy and clarify reporting requirements.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER d: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697

AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section	
697.10	Applicability
697.20	Definitions
697.30	Incorporated Materials
697.40	Administrative Hearings

SUBPART B: HIV TESTING

Section	
697.100	Approved HIV Tests and Testing Procedures
697.110	HIV Pre-Test Information
697.120	Written Informed Consent
697.130	Anonymous Testing
697.140	Disclosure of the Identity of a Person Tested or Test Results
697.150	Marriage License Testing Requirements (Repealed)
697.160	HIV Testing for Insurance Purposes
697.170	Enforcement of the AIDS Confidentiality Act
697.180	HIV Testing for Blood and Human Tissue Donations

SUBPART C: AIDS REGISTRY SYSTEM

Section	
697.200	AIDS Registry System
697.210	Reporting Requirements
697.220	Release of AIDS Registry Information

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section	
697.300	HIV Counseling and Testing Centers

SUBPART E: MISCELLANEOUS PROVISIONS

Section	
697.400	Notification of School Principals
697.410	Guidelines for the Management of Chronic Infectious Diseases in School Children
697.420	Testing, Treatment or Counseling of Minors

DEPARTMENT OF PUBLIC HEALTH
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- 4) Blood Labeling Code (77 Ill. Adm. Code 460) (See in particular Section 697.180(c) and (e) of this Part),
 - 5) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (See in particular Section 697.180(c) and (e)),
 - 6) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See in particular Section 697.40 of the Part),
 - 7) Illinois Blood Bank Code (77 Ill. Adm. Code 490).
- c) Federal Rules
- d) 42 CFR 2a. 4(a) - (j), 2a. 6(a) - (b), and 2a. 7(a) - (b).
- Other Codes, Guidelines and Standards
- 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome," Centers for Disease Control. **Mortality and Morbidity and Mortality Weekly Report (MMWR) Supp., December 18, 1992; 41(RR-17), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.** (See the definition of AIDS in Section 697.20)
 - 2) The "AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget No. 0920-0009. (1997 1993) (See Section 697.210)
 - 3) Guidelines for the Management of Chronic Infectious Diseases in School Children. (See Section 697.410)
 - 4) "1993 Revised Classification Scheme for HIV Infection", Centers for Disease Control, Morbidity and Mortality Weekly Report (MMWR). Vol. 41, No. RR-17, December 18, 1992, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.
- e) All citations to federal regulations in this Part concern the specified regulations in the 1994 1997 Code of Federal Regulations, unless another date is specified.
- f) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended 19 Ill. Reg. **11154** effective **JAN 20 1995**)

SUBPART C: AIDS REGISTRY SYSTEM

Section 697.200 AIDS Registry System

The AIDS Registry System has been created to compile more complete and precise statistical data than is presently available in order to evaluate AIDS treatment and prevention measures. The AIDS Registry System is a consists-of two--individual--and--interrelated--components---these--components---are---the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

- APPENDIX A Sample HIV Testing Forms
- ILLUSTRATION A Sample Written Informed Consent Form
- ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)
- APPENDIX B Statutory and Regulatory References to AIDS
- AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7301 et seq.) [410 ILCS 305]; the AIDS Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7351 et seq.) [410 ILCS 310]; the Communicable Disease Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.10 et seq.) [410 ILCS 315], and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55, 55.11, 55.41 and 55.45) [20 ILCS 2310/55, 55.11, 55.41 and 55.45].
- SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. **1117**, effective **JAN 20 1995**.

SUBPART A: GENERAL PROVISIONS

Section 697.30 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
- 1) AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7301 et seq.) [410 ILCS 305],
 - 2) AIDS Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7351 et seq.) [410 ILCS 310],
 - 3) The Communicable Disease Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.10 et seq.) [410 ILCS 315],
 - 4) The Unified Code of Corrections (Ill. Rev. Stat. 1991, ch. 38, par. 1001-1-1 et seq.) [730 ILCS 5],
 - 5) The Medical Patient Rights Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 5401 et seq.) [410 ILCS 50],
 - 6) The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55 to 55.45) [20 ILCS 2310/55 to 55.45].
- b) Illinois Rules
- 1) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (See in particular Section 697.140(a)(4) of this Part),
 - 2) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) (See in particular Sections 697.140(a)(4) and 697.210(a) of this Part),
 - 3) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (See in particular Section 697.180(c) and (e)),

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compilation of information concerning diagnosed cases of AIDS ~~and--diagnosed cases-of-ARE.~~

(Source: Amended at 19 Ill. Reg. 1117.4, effective JAN 20 1995)

Section 697.210 Reporting Requirements

- a) Local Health Authorities which receive AIDS ~~and--ARE~~ reports from physicians or hospitals shall report to the AIDS Registry System within seven (7) days after receiving the AIDS ~~or--ARE~~ report. (See Control of Sexually Transmissible Disease Code, 77 Ill. Adm. Code 693.30.)
- b) The report shall be provided upon the "AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009 and supplied by the Department.
- c) The Department requests, but does not require, hospitals maintained by the Federal Government or other governmental agencies within the United States to report AIDS ~~or--ARE~~ case information concerning present or past residents of Illinois, using the "AIDS Confidential Case Report", as modified by the Department.

(Source: Amended at 19 Ill. Reg. 1117.4, effective JAN 20 1995)

Section 697.220 Release of AIDS Registry Information

- a) The Department may not release information gathered pursuant to this Act (AIDS Registry Act) unless:
 - 1) It is in statistical, non-identifiable form;
 - 2) The release or transfer is to an Illinois Local Public Health Department or to a registry or health department of another state, and is of information concerning a person who is residing in that jurisdiction. The Department shall disclose individual patient information concerning residents of another state to the Registry in the individual's state of residence if the recipient of reported information about AIDS ~~and--ARE~~ is legally required to hold reported information about AIDS ~~and--ARE~~ in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law. (Section 7(a) of the AIDS Registry Act);
- b) All data obtained directly from medical records of individual patients shall be for the confidential use of the Department and those entities authorized by the Department to view such records in order to carry out the purposes of the registry act. (Section 7(b) of the AIDS Registry Act);-

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- c) The identity of any person whose condition or treatment has been studied, or any facts which are likely to reveal the identity of such person, shall be confidential and shall not be revealed in any report or any other matter prepared, released or published. Researchers may, however, use the names of persons when requesting additional information for research studies approved by the Department; provided however, that when a request for additional information is to be made, the Department shall first obtain authorization from the patient or the patient's legally authorized representative after ascertaining that a test subject's physical and psychological condition is suitable for such a request in the opinion of the test subject's physician. (Section 7(c) of the AIDS Registry Act);

- 1) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects including methods for documenting compliance with 42 CFR 2a.4(a) - (j), 2a.6(a)-(b), and 2a. 7(a)-(b)(1); methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

- 2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions. The Department will enter into contracts for research which require the release of patient or facility identifying information when requests meet the following conditions:
 - A) The request for patient or facility identifying information contains stated goals or objectives;
 - B) The request documents the feasibility of the study design in achieving the stated goals and objectives;
 - C) The request documents the need for the requested data to achieve the stated goals and objectives;
 - D) The requested data can be provided within the timeframe set forth in the request;
 - E) The request documents that the researcher has qualifications relevant to the type of research being conducted;
 - F) The research will not duplicate other research already underway using the same Registry data; and

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- G) The request documents other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights, because the Department will only release the patient or facility identifying information which is necessary for the research.
- 3) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used. In addition, the researcher shall include assurances that:
- A) The researcher understands that use of data is restricted to the specifications of the protocol;
 - B) The researcher understands that any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
 - C) The researcher understands that all officers, agents and employees are to keep all such data strictly confidential;
 - D) The researcher agrees to communicate the requirements of this Section to all officers, agents, and employees, to discipline all persons who may violate the requirements of this Section, and to notify the Department in writing within forty-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
 - E) The researcher understands that all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data shall result in immediate termination of this contract by the Department; and
 - F) The researcher understands that all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of the contract.
- 4) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) of this Section **above** prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 5) The Department shall disclose individual patient or facility information to the reporting facility which originally supplied that information to the Department, upon written request of the facility.
- d) AIDS **and--ARE** information may be disclosed in accordance with the provisions of Sections 697.140 and 697.400 of this Part.
- e) **No liability shall attach to any hospital, physician or other facility**

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submitting information pursuant to this Act based upon a claim that such hospital, physician or facility reported information which may be confidential. (Section 7(d) of the AIDS Registry Act).

(Source: Amended **JAN 20 1996**^t 19 Ill. Reg. **1117**, effective)

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1) Heading of the Part:

Control of Sexually Transmissible Diseases Code

2) Code Citation:

77 Ill. Adm. Code 693

3) Section Numbers:Adopted Action:693.15 Amendment
693.30 Amendment4) Statutory Authority:

Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7401 et seq.) (410 ILCS 325) and Sections 2 and 6 of the Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 and 22.04) [20 ILCS 2305/2 and 6].

5) Effective Date of Amendments:

January 20, 1995

6) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain Any Incorporations by Reference? Yes8) Date Filed in Agency's Principal Office:

January 20, 1995

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:

June 17, 1994: 18 Ill. Reg. 8850

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? No11) Difference Between Proposal and Final Version:

In Section 693.15, the incorporation of the Centers for Disease Control's "AIDS Confidential Case Report" was updated from the 1992 edition to the 1993 edition.

In addition, various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on

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Administrative Rules and the Administrative Code Division.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No14) Are there any other Amendments Pending on this Part? No15) Summary and Purpose of Repealer:

This rulemaking amends existing rules concerning the title of the AIDS case reporting form and the information that is to be collected to reflect the CDC's revised case reporting forms. The rulemaking also amends current language to eliminate redundancy and clarify reporting requirements.

16) Information and Questions Regarding this Adopted Repealer Shall be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
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TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693
 CONTROL OF SEXUALLY TRANSMISSIBLE DISEASES CODE

- Section
- 693.10 Definitions
 - 693.15 Incorporated Materials
 - 693.20 Reportable STDs and Laboratory Results
 - 693.30 Reporting
 - 693.35 Fines and Penalties
 - 693.40 Contact Interview and Investigation
 - 693.45 Notification of Health Care Contacts
 - 693.50 Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia
 - 693.60 Isolation for Syphilis, Gonorrhea, Chlamydia
 - 693.70 Counseling and Education for AIDS and HIV
 - 693.80 Isolation for AIDS and HIV
 - 693.90 Quarantine
 - 693.100 Confidentiality
 - 693.110 Examination and Treatment of Prisoners
 - 693.120 Certificate of Freedom from STDs
 - 693.130 Treatment of Minors
 - 693.140 Control Measures

AUTHORITY: Implementing and authorized by Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7401 et seq.) [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 and 22.04) [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 18 Ill. Reg. 1126, effective JAN 20 1996.

Section 693.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7401 et seq.) [410 ILCS 325].
 - 2) The Sections 2 and 6 of the Department of Public Health Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 and 22.04) [20 ILCS 2305/2

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- and 6].
- 3) The Consent by Minors to Medical Procedures Act (Ill. Rev. Stat. 1991, ch. 111, par. 4501 et seq., in particular par. 4504) [410 ILCS 210 and 210/4].
- b) Illinois Rules
 - 1) AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (See Sections 693.30(b)(1), (d) and (h) and 693.100(b)(4) and (5) of this Part).
 - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 693.35 of this Part).
 - 3) Program Standards for Local Health Departments (77 Ill. Adm. Code 615) (See Section 693.40(c)(7) of this Part).
- c) Other Codes, Guidelines and Standards
 - 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control (CDC). ~~Mortality-and Morbidity and Mortality Weekly Report (MMWR) Suppl.~~ December 18, 1992; 41(RR-17), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.
 - 2) The "AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget (OMB) No. 0920-0009 ~~(1992)~~ (1993).
 - 3) "Recommendations for Prevention of HIV Transmission in Health-Care Settings" (Centers for Disease Control, MMWR 1987, Vol. 36, Supp. no. 25, pages 3S-18S).
 - 4) Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 693.140 693.140)
 - 5) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B virus Virus to Patients During Exposure-Prone Invasive Procedures" (Centers for Disease Control, Morbidity and Mortality Weekly Report (MMWR), Vol. 40, no. RR-8, July 12, 1991).
- d) All citations to federal regulations in this Part concern the specified regulations in the 1990 1994 Code of Federal Regulations, unless another date is specified.
- e) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 18 Ill. Reg. 1126, effective JAN 20 1996)

Section 693.30 Reporting

- a) Every physician licensed under the provisions of the Illinois Medical

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Practice Act shall report each case in which the physician has clinically diagnosed or treated a case of AIDS, HIV infection, syphilis, gonorrhea or chlamydia, or received a reportable STD laboratory result as set forth in Section 693.20(b). A hospital may, at the request of the physician of a person who has been admitted to the hospital, submit the physician's report to the appropriate health authority through the hospital's established disease-reporting mechanism. In all cases, the physician is responsible for ensuring that reporting is accomplished.

1) The STD case report shall be mailed within five days after such diagnosis or treatment. The STD laboratory report shall be mailed within five (5) days after receipt of the laboratory results.

2) If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD report shall be made to that health authority. For syphilis, gonorrhea and chlamydia patients in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD report shall be made directly to the Illinois Department of Public Health.

3) For cases of AIDS or HIV infection, the STD report shall be made on a form furnished by the Department. For each report of AIDS, a physician shall complete the "AIDS Confidential Case Report", as modified by the Department (or Pediatric AIDS Confidential Case Report, as modified by the Department for children under 13 years), which are forms developed by the Centers for Disease Control and Prevention (CDC), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009. The STD report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available:

- A) For AIDS:
- i) The individual's name, address, telephone number, age, date of birth, age at diagnosis, current status (date of death), race/ethnicity, sex, country of birth, residence at diagnosis, facility hospital where diagnosis of AIDS was established;
 - ii) Patient risk history Risk-factors;
 - iii) Laboratory results on HIV antibody tests, HIV detection tests, or immunologic laboratory tests The diagnosis--and--any-laboratory-findings--including-HIV test-results;
 - iv) Information concerning the presence and method of diagnosis of AIDS indicator diseases, including the RVCT case number, the nine-digit code for individuals with tuberculosis;
- viv) Each AIDS related diagnosed successive, opportunistic

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disease (e.g., Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction;

viv) For reports submitted by health care facilities hospitals, the name and telephone number of the individual completing the form, if different from the physician;

viii) Information concerning treatment services and referrals and, for women, information on both the current pregnancy status and births after 1977, and for perinatal cases, information about birth history;

viiiivv) Whether the individual has had any invasive procedures performed on him or her and, if so, the types of invasive procedures and the name(s), address(es) and telephone number(s) of the health care provider(s) who performed those invasive procedures; and

ixv) Whether the individual is a health care provider, and, if so, the type of health care provider and whether the individual has performed invasive procedures.

B) For HIV infection in cases not clinically diagnosed or treated as AIDS by the reporting physician:

- i) The individual's city of residence, age, race/ethnicity, sex,
- ii) The laboratory findings,
- iii) Risk factors for HIV infection,
- iv) Whether the individual is known to have previously tested positive for antibodies to HIV,
- v) Reason for testing, and
- vi) Whether counseling and/or sex partner referral has taken place or whether assistance is needed from the Local Health Authority or the Department.

4) Syphilis, gonorrhea and chlamydia case and laboratory reports in cities having a population of 500,000 or over shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available:

- A) The individual's name, address, telephone number, age, birthdate, race/ethnicity, sex, marital status, pregnancy status,
- B) The diagnosis, diagnostic classification, and any laboratory findings,
- C) The amount and type of treatment, including preventive

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treatment, which the individual is receiving, has received or will receive, and whether treatment has been completed, and

- D) The type of treatment facility.
- b) Every laboratory and blood bank, through its Director, shall report each case in which the laboratory or blood bank performed a test for an STD which concluded with a reportable laboratory result.

- 1) The STD laboratory report shall be mailed within five (5) days after such test result.
- 2) If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD laboratory report shall be made to that health authority. For syphilis, gonorrhea and chlamydia test subjects in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD laboratory report shall be made directly to the Illinois Department of Public Health.

- 3) For HIV laboratory results, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:

- A) The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks),

- B) The individual's city of residence, age, race/ethnicity, and sex, and

- C) The date the tests were performed, the laboratory results, and the method employed.

- 4) Syphilis, gonorrhea and chlamydia laboratory reports in cities having a population of 500,000 or over shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:

- A) The individual's name, address, telephone number, age, race/ethnicity, sex, marital status, or patient code number as provided by the physician or other person who submitted the specimen for testing by a laboratory,

- B) The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks), and

- C) The date the test was performed, the laboratory results, and the method employed.

- 5) In addition to the above reporting requirements:

- A) If the subject of the test is under eleven (11) years of age, any reactive or positive test results shall be reported to the Department by telephone immediately or as soon as

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Department business hours permit, at 800/252-8989,

- B) If any culture that is positive for gonorrhea is determined to be resistant to antibiotics, the test results shall be reported by telephone immediately, or as soon as business hours permit, to the Local Health Authority, Designated Agency or the Department, as appropriate,

- C) Every laboratory and blood bank shall report the total number of tests performed for STDs each week. Such report shall be made to the local health authority, designated agency or the Department, as appropriate.

- c) All persons required to report pursuant to this Part shall maintain the strict confidentiality of all information and records relating to known or suspected cases of STDs in accordance with Section 693.100 and 77 Ill. Adm. Code 697.140.

- d) For each report of AIDS which it receives, pursuant to the provisions of this Section, a Local Health Authority shall complete the "AIDS Confidential Case Report" for "Pediatric Confidential Case Reports" for children under 13 years of age, which are forms developed by the Centers for Disease Control ("CDC"), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333; OMB No. 0920-0099. The Local Health Authority shall forward a copy of the "AIDS Confidential Case Report" to the Department's AIDS Registry System, within seven (7) days after receiving the original AIDS report (See Section 697.210 of the AIDS Confidentiality and Testing Code [77 Ill. Adm. Code 697]). The Local Health Authority shall assure the completeness of the report form. The Local Health Authority shall record the reporting source on the case report form, as available. The "AIDS Confidential Case Report" shall contain the following information, as available:

- i) Basic Patient Information: Patient's name, address, telephone number, date of birth, age at diagnosis, current status (date of death, sex, race/ethnicity, county of birth, residence at onset of illness, suggestive of AIDS, hospital where diagnosis of AIDS was established,

- 2) Social and risk factors to AIDS?

- 3) Information concerning the presence and method of diagnosis of diseases indicative of AIDS?

- 4) Laboratory results on HIV serum antibody tests, HIV detection tests or diagnosis of other reasons for immunological dysfunction?

- 5) Other pertinent information concerning the case including:

- A) Units of blood donated or received by the patient.

- B) Whether the individual has had any invasive procedures performed on him or her and if so:

- i) the types of invasive procedures and

- ii) the name(s), address(es) and telephone number(s) of the health care provider(s) who performed those invasive procedures?

- C) Whether the individual is a health care provider and, if so,

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6f) ~~Each--AIDS--related--diagnosed--successive--opportunistic--disease (e.g.,--Pneumocystis--carinii--pneumonia,--Kaposi's--sarcoma--or esophageal--candidiasis)--regardless--of--whether--the--case--is--known or--thought--to--have--been--previously--reported--in--another--state--or health--jurisdiction:~~

e) A Local Health Authority shall forward to the Department a copy of each HIV report which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such report.

f) A Local Health Authority or Designated Agency shall submit to the Department, on forms supplied by the Department, summary information on the reportable laboratory results for syphilis, gonorrhea and chlamydia which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such results.

g) A Local Health Authority or Designated Agency which receives a syphilis laboratory report with a patient code number shall contact the test subject's physician for information identifying that individual, within twenty-four (24) hours after receiving such report. The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority or Designated Agency.

h) A Local Health Authority which receives an HIV laboratory report from a physician, laboratory or blood bank for an individual age three through twenty-one shall contact the physician listed in the report to obtain the individual's name and address, in order to comply with Section 697.400 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority. The physician shall provide this information to the Local Health Authority or the Department unless the test subject is not enrolled in a public or private primary or secondary school. The physician shall contact the Local Health Authority or the Department if the physician learns that the test subject has enrolled in school at any subsequent date.

(Source: Amended at 18 Ill. Reg. **1126**, effective **JAN 20 1995**)

DEPARTMENT OF REHABILITATION SERVICES

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1) Heading of the Part: Application

2) Code Citation: 89 Ill. Adm. Code 557

3) Section Numbers: Adopted Action:

557.60 New Section

4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434 (a), (b), and (k)) [20 ILCS 2405/3(a), (b) and (k)].

5) Effective Date of Rulemaking: January 23, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: January 23, 1995

9) Notice of Proposal Published in Illinois Register: August 5, 1994, 18 Ill. Reg. 12048

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final versio: JCAR Technical Changes

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking adds new Section 557.60 which sets forth requirements that must be followed when a DORS employee, individual holding a contract with DORS, DORS advisory council member, family member of a DORS employee, or close friend of a DORS employee applies for services from DORS.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429

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(217) 785-3896 or TDD: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES

SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 557

APPLICATION

Section

557.10 General Applicability

557.20 Geographical Client Assignment (Repealed)

557.30 Application Required

557.40 Who May Sign

557.60 Application for Services by DORS Employees, Individuals Holding

Contracts with DORS, DORS Advisory Council Members, Family Members of

DORS Employees or Close Friends of DORS Employees

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986, amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11652, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 18 Ill. Reg. 1135, effective JAN 23 1995.

Section 557.60 Application for Services by DORS Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS Employees or Close Friends of DORS Employees

- a) At any time a DORS employee, an individual holding a contract with DORS, a DORS Advisory Council member, family member of a DORS employee or close friend of a DORS employee applies for services from DORS and it is brought to the attention of the employee, the employee must notify his/her supervisor who shall notify the Regional Administrator (RA) in writing.
- b) After review of the situation, the RA shall make assignment of the case to an appropriate staff member to ensure propriety of services.
- c) For the purpose of this Section, "family member" shall mean spouse, sibling, child, parent, parent-in-law, sibling-in-law, or any other blood relative who resides in the household of the employee or employee's spouse.
- d) For the purpose of this Section, "close friend" shall mean any individual who has such a relationship with the employee that would cause a conflict of interest or the appearance of impropriety.
- e) Any employee who knows of or suspects that services to another DORS

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

employee, individual who holds a contract with DORS, DORS Advisory Council member, family member of a DORS employee, or close friend of a DORS employee have not been reported as required in subsection (a) above shall report the situation to his/her immediate supervisor. The immediate supervisor must investigate the situation and take appropriate action. Appropriate action may include reassignment of the case and discipline of the employee violating these requirements if there is evidence the employee knew the individual to be an individual described in subsection (a) above and failed to report the situation.

(Source: Added at 18 Ill. Reg. 11354, effective
—JAN 23 1995—)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Electronic Filing of Illinois Individual Income Tax Returns
- 2) Code Citation: 86 Ill. Adm. Code 105
- 3) Section Numbers: Emergency Action:
105.515 New Section
- 4) Statutory Authority: 35 ILCS 5/503(a) as amended by P.A. 88-672
- 5) Effective Date of Amendments: January 18, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date filed in Agency's Principal Office: January 18, 1995

8) Reason for Emergency: P.A. 88-672 was recently passed by the Illinois General Assembly. This Public Act was signed into law by the Governor and became effective on December 14, 1994. P.A. 88-672 amends the Department's authority with respect to the electronic filing program. Under the electronic filing program, taxpayers, through certain tax preparers known as electronic return originators, may file their returns with the Department electronically. However, certain information related to returns must be submitted on a paper form, the IL-8453, to supplement the electronically filed return. Section 503 of the Illinois Income Tax Act has been amended to provide the Department with the authority to adopt rules to authorize certain electronic return originators to maintain signature documents and associated documentation concerning individual income tax returns subject to the Department's right of inspection, rather than transmitting those documents to the Department. The Department has decided to begin implementation of this authority on a pilot basis for the tax filing season beginning in January 1995. As part of the implementation, the Department's electronic return filing rules need to be amended to explain the manner in which the pilot project will take place. Due to the timing of the enactment of the legislation, the only way in which to adopt rules on this subject for the current tax filing season is through the use of emergency rules. This emergency rulemaking will benefit the public welfare by making the electronic filing process easier for electronic return originators and the tax filing public.

- 9) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Section 100.515 to the Department's electronic filing rules. This rule provides that the Department may authorize electronic return originators to maintain Department Form IL-8453 and associated documentation, rather than submitting

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

these documents to the Department. The documentation is to be maintained subject to the Department's right of inspection.

- 10) Are there any amendments to this Part pending: No.
- 11) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate nor modifies an existing mandate.
- 12) Information and questions regarding this amendment shall be directed to:

Keith Staats
Senior Counsel - Income Tax
Illinois Department of Revenue
Office of General Counsel
101 West Jefferson, 5-500
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 105

ELECTRONIC FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

SUBPART A: ELECTRONIC RETURNS

Section
105.100
105.110
105.120

Composition of an Electronic Return
Exclusions from Electronic Filing
Where to Send Electronic Returns

SUBPART B: ELECTRONIC FILING PARTICIPANTS

Section
105.200
105.210
105.220
105.230

Categories of Electronic Filers
Types of Electronic Filers
Ways to Participate in Electronic Filing
Responsibilities of Electronic Filers

SUBPART C: APPLICATIONS

Section
105.300
105.310
105.320
105.330
105.340

General Information
Where to Apply
Who Must Apply
Who Does Not Need to Apply
EFIN and ETIN Assignments

SUBPART D: ACCEPTANCE PROCESS

Section
105.400
105.410
105.420
105.430
105.440
105.450
105.460
105.470

General Information
Suitability Checks
Who Must Test
What Must Be Tested
Where to Test
How to Test
When to Test
Acceptance

SUBPART E: IL-8453 ILLINOIS INDIVIDUAL INCOME TAX
ELECTRONIC FILING DECLARATION

Section
105.500
105.510
105.515

Purpose
Instructions
IL-8453 Retention

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

EMERGENCY

105.520 Corrections

SUBPART F: BALANCE DUE RETURNS

Section

105.600 General Information

SUBPART G: INFORMATION ELECTRONIC FILERS MUST PROVIDE TO THE TAXPAYER

Section

105.700 Information and Material to be Provided to the Taxpayer

SUBPART H: TRANSMISSION PROCEDURES

Section

105.800 Overview of Transmission Procedures

105.810 Acknowledgement of Electronic Returns

SUBPART I: ADVERTISING STANDARDS

Section

105.900 Advertising Restrictions

105.910 Media Communications

105.920 Endorsement

SUBPART J: MONITORING AND SUSPENSION

Section

105.1000 Monitoring

105.1010 Suspension

AUTHORITY: Implementing and authorized by the Illinois Income Tax Act [35 ILCS 5].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 445, effective January 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 7031, effective May 3, 1993; amended at 17 Ill. Reg. 18118, effective October 4, 1993; emergency amendment at 19 Ill. Reg. 1139, effective January 18, 1995, for a maximum of 150 days.

Section 105.515 IL-8453 Retention

EMERGENCY

Section 105.503(a) of the Illinois Income Tax Act provides the Department may authorize electronic return originators (EROs) to maintain Form IL-8453 and associated documents (for electronically filed IL-1040s), rather than

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

submitting the documents to the Department. The Department has decided to begin implementation of this authority by establishment of a pilot program. The Department will select a limited number of EROs who will be asked to volunteer to participate in the pilot program. Forms IL-8453 must still be completed according to Section 105.510 of this Part. However, under the pilot program, the ERO participants will retain the IL-8453 and associated documentation subject to the Department's right of inspection or production for Department review without prior notice. During the pilot project, selected IL-8453s will be periodically requested from EROs in writing by the Department, and the ERO will be given special mailing instructions. If, at any time during the pilot project, the performance of the ERO is determined to be unacceptable based on review of the documents requested in which the documents are reviewed for compliance with the requirements for IL-8453 documentation set forth in this Part, or the ERO's failure or inability to provide documents when requested, the ERO may be dropped from the pilot program. If an ERO is dropped from the pilot program, the ERO will be required to submit all Forms IL-8453 that have been retained up to the time of notification that they will no longer be allowed to participate in the pilot, along with all future Forms IL-8453.

(Source: Emergency rule added at 19 Ill. Reg. 1139, effective January 18, 1995, for a maximum of 150 days)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

REGULATORY AGENDA

- 1) Heading of the Part: Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs.
- 2) Code Citation: 77 Ill. Adm. Code 2058.
- 3) A description of the rule(s): The licensure rules will be amended to incorporate standards regarding tuberculosis screening, prevention, training, and services; revisions to standard's regarding clients who have HIV/AIDS; and other revisions consistent with requirements of the Federal funding sources, and state-of-the-art practices. Other amendments will make the rule consistent with changes made in the Illinois Alcoholism and other Drug Dependency Act and changes made in the rules regarding Subacute Alcoholism and Substance Abuse Treatment Services.
- 4) Statutory Authority: Illinois Alcoholism and Other Drug Dependency Act, 20 ILCS 301/1-1, 1994.
- 5) Schedule of dates for hearings, meetings, opportunities for public participation: The Department will accept comments at the address below, consistent with legal requirements. Notice of hearing will be published subsequently should one be required.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules Amendments for publication in the Illinois Register: Prior to June 30, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Nancy J. Bennett
JRTC 100 W. Randolph Street,
Suite 5-600
Chicago, Illinois 60601
(312) 814-3840
TDD: (312) 419-8432
- 8) Will this amendment, affect small business, small municipalities or not for profit corporations? Some Department licensees under Part 2058 are small businesses and not-for-profits.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

STRATTON OFFICE BUILDING
ROOM D-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
FEBRUARY 7, 1995

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at its January meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Central Management Services

Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 18 Ill Reg 16490 - 11/14/94
-Expiration of Second Notice Period: 2/23/95

Children and Family Services

Reports of Child Abuse and Neglect (89 Ill Adm Code 300)
-First Notice Published: 18 Ill Reg 8240 - 6/3/94
-Expiration of Second Notice Period: 3/5/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Appeal of Child Abuse and Neglect Investigation Findings (89 Ill Adm Code 336)

- First Notice Published: 18 Ill Reg 11407 - 7/22/94
- Expiration of Second Notice Period: 2/26/95

Community College Board

Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)

- First Notice Published: 18 Ill Reg 15665 - 10/28/94
- Expiration of Second Notice Period: 3/5/95

Conservation

The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)

- First Notice Published: 18 Ill Reg 16500 - 11/14/94
- Expiration of Second Notice Period: 2/25/95

Education

Health/Life Safety Code for Public Schools (23 Ill Adm Code 180)

- First Notice Published: 18 Ill Reg 9671 - 7/1/94
- Expiration of Second Notice Period: 2/7/95

Nonpublic Special Education Facilities (23 Ill Adm Code 401)

- First Notice Published: 18 Ill Reg 9756 - 7/1/94
- Expiration of Second Notice Period: 2/7/95

Financial Institutions

Illinois Credit Union Act (38 Ill Adm Code 190)

- First Notice Published: 18 Ill Reg 16764 - 11/18/94
- Expiration of Second Notice Period: 2/18/95

Insurance

Long-Term Care Insurance (50 Ill Adm Code 2012)

- First Notice Published: 18 Ill Reg 14213 - 9/16/94
- Expiration of Second Notice Period: 2/23/95

Mental Health and Developmental Disabilities

Standards and Requirements for Pre-Admission Screening and Participating

Mental Health Centers (59 Ill Adm Code 258)

- First Notice Published: 18 Ill Reg 8795 - 6/17/94
- Expiration of Second Notice Period: 3/8/95

Mines and Minerals

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

The Coal Mining Act (62 Ill Adm Code 140)

- First Notice Published: 18 Ill Reg 16054 - 11/4/94
- Expiration of Second Notice Period: 2/25/95

Professional Regulation

The Structural Engineering Licensing Act of 1989 (68 Ill Adm Code 1480)

- First Notice Published: 18 Ill Reg 16901 - 11/28/94
- Expiration of Second Notice Period: 2/26/95

Public Aid

Assistance Standards (89 Ill Adm Code 111)

- First Notice Published: 18 Ill Reg 15707 - 10/28/94
- Expiration of Second Notice Period: 3/2/95

Aid to Families with Dependent Children (89 Ill Adm Code 112)

- First Notice Published: 18 Ill Reg 11461 - 7/22/94
- Expiration of Second Notice Period: 2/19/95

Aid to Families with Dependent Children (89 Ill Adm Code 112)

- First Notice Published: 18 Ill Reg 15495 - 10/21/94
- Expiration of Second Notice Period: 2/26/95

Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)

- First Notice Published: 18 Ill Reg 14590 - 9/30/94
- Expiration of Second Notice Period: 2/26/95

Medical Assistance Programs (89 Ill Adm Code 120)

- First Notice Published: 18 Ill Reg 14830 - 10/7/94
- Expiration of Second Notice Period: 2/26/95

Medical Payment (89 Ill Adm Code 140)

- First Notice Published: 18 Ill Reg 16059 - 11/4/94
- Expiration of Second Notice Period: 2/25/95

Developmental Disabilities Services (89 Ill Adm Code 144)

- First Notice Published: 18 Ill Reg 16521 - 11/14/94
- Expiration of Second Notice Period: 2/25/95

Public Health

Illinois Veterans' Homes Code (77 Ill Adm Code 340)

- First Notice Published: 18 Ill Reg 12955 - 8/26/94
- Expiration of Second Notice Period: 2/16/95

Racing Board

Medication (11 Ill Adm Code 509)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

-First Notice Published: 18 Ill Reg 12043 - 8/5/94
 -Expiration of Second Notice Period: 2/17/95

Rules of the Race (11 Ill Adm Code 1416)

-First Notice Published: 18 Ill Reg 15721 - 10/28/94
 -Expiration of Second Notice Period: 2/17/95

State Fire Marshal

Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill Adm Code 170)

-First Notice Published: 18 Ill Reg 9106 - 6/24/94
 -Expiration of Second Notice Period: 2/16/95

EMERGENCY AND PEREMPTORY RULEMAKINGS

Nuclear Safety

Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill Adm Code 360) (Emergency)
 -Notice Published: 19 Ill Reg 273 - 1/13/95

Public Aid

Demonstration Programs (89 Ill Adm Code 170) (Emergency)
 -Notice Published: 19 Ill Reg 645 - 1/20/95

Secretary of State

Procedure and Standards (92 Ill Adm Code 1001) (Emergency)
 -Notice Published: 19 Ill Reg 54 - 1/6/95

Student Assistance Commission

David A. Debolt Teacher Shortage Scholarship Program (23 Ill Adm Code 2764) (Emergency)
 -Notice Published: 19 Ill Reg 976 - 1/27/95

University of Illinois

Certificate of Certified Public Accountant (23 Ill Adm Code 1300) (Emergency)
 -Notice Published: 19 Ill Reg 984 - 1/27/95

EXEMPT RULEMAKINGS

Pollution Control Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Mobile Sources (35 Ill Adm Code 240)
 -Proposed Date: 8/12/94
 -Adopted Date: 12/23/94

Outline of Waste Disposal Regs (35 Ill Adm Code 700)

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

RCRA And UIC Permit Programs (35 Ill Adm Code 702)

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

RCRA Permit Program (35 Ill Adm Code 703)

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

UIC Permit Program (35 Ill Adm Code 704)

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

Procedures For Permit Issuance

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

Underground Injection Control Operating Requirements (35 Ill Adm Code 730)

-Proposed Date: 9/9/94
 -Adopted Date: 12/30/94

AGENCY RESPONSES

Health Facilities Planning Board

Health Facilities Planning Procedural Rules

-First Published: 6/17/94
 -Objection Date: 11/15/94
 -Response: Refusal to Withdraw or Modify

Public Health

Private Sewage Disposal Code (77 Ill Adm Code 905)
 -First Published: 12/31/93
 -Objection Date: 12/13/94
 -Response: Withdrawal of Rulemaking

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 17, 1995 through January 23, 1995, and have been scheduled for review by the Committee at its February 7, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/2/95	Department of Public Aid, Assistance Standards (89 Ill Adm Code 111)	10/28/94 18 Ill Reg 15707	2/7/95
3/5/95	Department of Children and Family Services, Reports of Child Abuse and Neglect (89 Ill Adm Code 300)	6/3/94 18 Ill Reg 8240	2/7/95
3/5/95	Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)	10/28/94 18 Ill Reg 15665	2/7/95
3/8/95	Department of Mental Health and Developmental Disabilities, Standards and Requirements for Pre-Admission Screening and Participating Mental Health Centers (59 Ill Adm Code 258)	6/17/94 18 Ill Reg 8795	2/7/95

PROCLAMATIONS

95-002

VOLUNTEER BLOOD DONOR MONTH

Whereas, volunteer blood donors in Illinois help hospital patients receive the life-saving blood they need for surgeries and medical treatments; and
Whereas, there are no substitutes for blood; and
Whereas, January is the month of highest blood usage due to many surgeries being postponed during the holiday season; and

Whereas, the new year usually begins with blood supplies at critically low levels because fewer donors are available during the holidays; and
Whereas, one out of every 10 hospital patients in the area served by Missouri/Illinois Regional Blood Services, American Red Cross, needs blood to survive; and

Whereas, the generosity of thousands of volunteer blood donors in Illinois gives the gift of life to those who need blood to survive;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1995 as VOLUNTEER BLOOD DONOR MONTH in honor of the thousands of dedicated donors who ensure that a safe and adequate supply of blood is available to the sick and injured in their time of need. I urge healthy individuals to donate regularly, and I call upon all civic and service organizations and businesses to form blood donor groups to help replenish the community blood supply.

Issued by the Governor December 30, 1994.

Filed with the Secretary of State January 19, 1995.

95-003

AUTISM AWARENESS WEEK

Whereas, autism is a severely incapacitating, lifelong developmental disability, resulting in significant impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal, nonverbal, and reciprocal communications; and

Whereas, autism is the fourth most common developmental disability, affecting an estimated 380,000 individuals nationwide, and more than 5,000 individuals in this state; and

Whereas, autism is the result of a neurological disorder affecting the functioning of the brain, but few members of the general public understand this complex syndrome; and

Whereas, although a cure for autism has not been found, persons with autism can be helped to reach their greatest potential. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of the individual; and

Whereas, support groups, such as the Illinois Chapter of the Autism Society of America, have dedicated years of service in their ongoing efforts to advocate for the rights, humane treatment, and appropriate education of all persons with autism; and

Whereas, these groups remain committed to their cause and to educating families, professionals, and the general public to better understand this lifelong disability; and

Whereas, autism is a complex disability that requires increased research

to one day find a cure and prevention, as well as greater recognition and understanding, to ensure that individuals with autism living in Illinois and all other Americans with autism are accurately diagnosed and appropriately treated throughout their lives;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 9-15, 1995, as AUTISM AWARENESS WEEK in Illinois.

Issued by the Governor January 4, 1995.

Filed with the Secretary of State January 19, 1995.

95-004

FAMILY DAY

Whereas, the family is the core of America's strength and the repository of the values that must be transmitted from one generation to the next; and Whereas, the nurturing of our children can be successfully accomplished only with the love, understanding and wisdom of caring parents; and

Whereas, the family is the basic building block of every American village, town, city, and state, which in turn combine to make our nation viable and enduring; and

Whereas, it is appropriate to recognize the strength, character, and individuality of the families that make up our nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 6, 1995, as FAMILY DAY in Illinois and urge all citizens to observe the day in appropriate ways.

Issued by the Governor January 4, 1995.

Filed with the Secretary of State January 19, 1995

95-005

TOURISM WEEK

Whereas, the Illinois Tourism Industry will celebrate the 1995 Illinois Governor's Conference on Tourism in Chicago on January 11-13; and

Whereas, a strong and stable economy is largely dependent on the determination and dedication of the tourism industry; and

Whereas, Illinois has recognized the importance of tourism by making a strong and targeted commitment to the development of the industry; and

Whereas, tourism is a \$14.9 billion industry in Illinois; and

Whereas, Illinois has more than 237,000 residents employed in the tourism industry; and

Whereas, Illinois' travel-generated payroll is \$4.6 billion; and

Whereas, tourism in Illinois generated \$936.8 million in state and local taxes; and

Whereas, Illinois ranks fifth in the nation for domestic travel spending;

and

Whereas, Illinois ranks sixth as an overseas destination;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 8-15, 1995, as TOURISM WEEK in Illinois and offer my sincere congratulations and appreciation to the members of the Illinois Tourism Industry for their outstanding achievements and welcome the attendees of the 1995 Illinois Governor's Conference on Tourism.

Issued by the Governor January 5, 1995.

Filed with the Secretary of State January 19, 1995.

95-006

DAY OF TRIBUTE/DR. MARTIN LUTHER KING, JR. DAY

Whereas, on January 16, 1995, Dr. Martin Luther King Jr. will be honored by a national holiday dedicated to his memory; and

Whereas, Illinois was the first state in the union to recognize the significant contributions of Dr. King by establishing a state holiday in 1973; and

Whereas, the state of Illinois has coordinated activities that have provided an opportunity for our citizens to reflect upon the principles of racial equality, justice, and nonviolent social change; and Whereas, Dr. King dedicated his life so that all Americans could enjoy the freedom the United States Constitution guarantees every citizen. In commemoration of Dr. King's birthday, Illinoisans should rededicate themselves to his profound message of justice and peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 16, 1995, as DR. MARTIN LUTHER KING, JR. DAY in Illinois and January 13, 1995, as the DAY OF TRIBUTE to Dr. King at the James R. Thompson Center in Chicago.

Issued by the Governor January 11, 1995.

Filed with the Secretary of State January 19, 1995.

95-007

KIWANIS WEEK

Whereas, Kiwanis International, a community service organization with 330,000 members and 8,800 clubs, raised more than \$65 million in funds and donated more than 8 million volunteer hours in 76 nations and geographic areas; and

Whereas, the concepts and principles that Kiwanis represents are symbolized in the slogan, "We Build"; and

Whereas, on January 21, 1995, Kiwanians in the State of Illinois and around the world will celebrate Kiwanis' 80th anniversary; and

Whereas, there are more than 12,000 Kiwanians in 310 clubs in communities throughout the State of Illinois; and

Whereas, the members of this worthwhile organization should be recognized for the outstanding service they provide our communities in Illinois as they work to "Make Time to Build The Future";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 15-21, 1995, as KIWANIS WEEK in Illinois and encourage all citizens to express support for those members of Kiwanis who work and volunteer to make their communities better places in which to live.

Issued by the Governor January 11, 1995.

Filed with the Secretary of State January 19, 1995.

95-008

BLACK DATA PROCESSING ASSOCIATES DAY

Whereas, the Black Data Processing Associates (BDPA) is a national not-for-profit organization of information management professionals; and Whereas, BDPA assists minority students in entering career paths associated with the information technology industry; and

Whereas, BDPA sponsors programs directed at the education of our young people, including a city-wide high school computer competition and 14-week high school summer training camp; and

Whereas, BDPA has 50 chapters across the nation. The Chicago chapter is the largest, with more than 300 members. For the fourth consecutive year, the Chicago organization was named Chapter of the Year; and

Whereas, the BDPA will host its sixth annual awards banquet to recognize the contributions of its members, supporters, and sponsors on January 28, 1995, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 28, 1995, as BLACK DATA PROCESSING ASSOCIATES DAY in Illinois.

Issued by the Governor January 11, 1995.

Filed with the Secretary of State January 19, 1995.

95-009

**PERUVIAN INSTITUTIONS IN THE UNITED STATES
OF AMERICA AND CANADA DAYS**

Whereas, the Peruvian Institutions in the United States of America and Canada are gathering for their XI Convention to exchange ideas and experiences and to promote and support the institutions associated with administrative skill and development; and

Whereas, this convention pursues new ideas that will extend the horizons of the institutions and work to demonstrate that the Peruvian community is a vital and constructive force of American Society; and

Whereas, this convention will address problems faced by Peruvian Institutions, Peruvian-Americans and immigrants, and will develop procedures to provide scholarships to the Hispanic individuals; and

Whereas, the theme of the convention is "Progress Through Education" to achieve success in life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 26-29, 1995, as PERUVIAN INSTITUTIONS IN THE UNITED STATES OF AMERICA AND CANADA DAYS in Illinois in honor of this effort to enlighten and enrich the Peruvian Institutions of America and Canada.

Issued by the Governor January 11, 1995.

Filed with the Secretary of State January 19, 1995.

95-010

RELIGIOUS FREEDOM DAY

Whereas, Illinois became the 21st state on December 23, 1918; and
Whereas, freedom of religion is the first guaranteed protection in the Bill of Rights; and

Whereas, that Constitutional protection states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof"; and

Whereas, Illinoisans provided leadership in protecting the freedom of religion; and

Whereas, George Mason declared that "Religion, or the duty that we owe our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of

conscience"; and
Whereas, George Washington declared that "Just government protects all in their religious rights," and that "true religion affords to government its surest support"; and

Whereas, Thomas Jefferson declared that "Among the most inestimable of our blessings is liberty to worship our Creator in the ways we think most agreeable to His will; a liberty deemed in other countries incompatible with good government, and yet proved by our experience to be its best support"; and

Whereas, James Madison declared that "the civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed"; and

Whereas, Patrick Henry declared that "Whether this (American Revolution) will prove a blessing or a curse, will depend upon the use our people make of the blessings which a gracious God hath bestowed on us... Righteousness alone can exalt them as a nation. Reader! Whoever thou are, remember this, and in thy sphere practice virtue thyself and encourage it in others";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 15, 1995, as RELIGIOUS FREEDOM DAY in Illinois and call upon all citizens to commemorate one of our nation's most cherished rights.

Issued by the Governor January 11, 1995.

Filed with the Secretary of State January 19, 1995.

95-011

CATHOLIC SCHOOLS WEEK

Whereas, St. Mary School has provided children in the Mt. Vernon area with quality education for many years, preparing them for the challenges of making a difference in the world; and

Whereas, the National Catholic Education Association promotes parental choice in school selection and acknowledges the achievements of Catholic schools and their contributions to the educational system; and

Whereas, all students - regardless of talent, race, creed, color, or gender - must be provided with the best educational opportunities so that they can strive for academic excellence; and

Whereas, the National Catholic Education Association has declared February 1, 1995, as National Appreciation Day for Catholic Schools to focus attention on the educational network and its benefits to society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 29-February 4, 1995, as CATHOLIC SCHOOLS WEEK in Illinois.

Issued by the Governor January 12, 1995.

Filed with the Secretary of State January 19, 1995.

80 Ill. Adm. Code 100	Merit Commission Rules (P-12585/94;A-206)
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74 Ill. Adm. Code 285	Claim Eligible To Be Offset (P-12944/94;A-227)
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17 Ill. Adm. Code 1075	Consultation Procedures For Assessing Impacts Of Agency Actions On Endangered And Threatened Species And Natural Areas (P-14259/94;A-594)
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20 Ill. Adm. Code 425	Chaplaincy (P-152)
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38 Ill. Adm. Code 110	Consumer Installment Loan Act (P-14291/94;A-44)
38 Ill. Adm. Code 160	Sales Finance Agency Act (P-14276/94;A-49)
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50 Ill. Adm. Code 3401	Summary Document, Disclaimer & Notice (P-784)
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11 Ill. Adm. Code 1770	Lottery (General) (P-791)
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32 Ill. Adm. Code 360	Use Of X-Rays In The Healing Arts Including Medical, Dental, Podiatry, And Veterinary Medicine (P-163) (E-273)
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68 Ill. Adm. Code 1200	Illinois Certified Shorthand Reporters Act Of 1984 (P-12103/94;A-940)
68 Ill. Adm. Code 1240	Private Detective, Private Alarm And Private Security Act Of 1993 (P-14567/94;A-954)
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89 Ill. Adm. Code 112	Aid To Families With Dependent Children (P-804) (P-7208/94;A-15774/94;RQ-18407/94;EC-998)

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A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	
RQ - Request for Correction	Objections
EC - Expedited Corrections	MR - Modification and Refusal
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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8 Ill. Adm. Code 255	Agrichemical Facilities (P-1)
8 Ill. Adm. Code 60	Bees And Apiary Act (P-754)
8 Ill. Adm. Code 256	Lawncare Wash Water And Rinsate Collection (P-13)
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80 Ill. Adm. Code 310	Pay Plan (P-764) (P-14256/94;A-1024)
80 Ill. Adm. Code 2110	State Of Illinois Dependent Care Assistance Plan (P-774)
80 Ill. Adm. Code 2120	State Of Illinois Medical Care Assistance Plan (P-779)
80 Ill. Adm. Code 2800	Travel (P-12567/94;A-36)
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92 Ill. Adm. Code 1202	Applications (P-522)
92 Ill. Adm. Code 1205	Fees And Taxes (P-525)
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89 Ill. Adm. Code 116	Crisis Assistance (P-824)	23 Ill. Adm. Code 2764	David A. DeBolt Teacher Shortage Scholarship Program (E-976)
89 Ill. Adm. Code 170	Demonstration Programs (P-530) (E-645)	23 Ill. Adm. Code 2720	Federal Family Education Loan Program (FFELP) (P-861)
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89 Ill. Adm. Code 102	Rights And Responsibilities (P-13723/94;P-14622/94;A-1108)	23 Ill. Adm. Code 2762	Paul Douglas Teacher Scholarship Program (P-912)
89 Ill. Adm. Code 118	Special Eligibility Groups (P-829)	23 Ill. Adm. Code 2760	State Scholar Program (P-920)
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TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawl
CC = Codification Changes
RQ = Request for Correction
R = Refusal

PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

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PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR DISCOVER CARD
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

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1. Total	100	100	100	100	100	100
2. Government	100	100	100	100	100	100
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52. Government	100	100	100	100	100	100
53. Private	0	0	0	0	0	0
54. Government	100	100	100	100	100	100
55. Private	0	0	0	0	0	0
56. Government	100	100	100	100	100	100
57. Private	0	0	0	0	0	0
58. Government	100	100	100	100	100	100
59. Private	0	0	0	0	0	0
60. Government	100	100	100	100	100	100
61. Private	0	0	0	0	0	0
62. Government	100	100	100	100</		

1990 1991 1992 1993

(Volume Number) (Issue Number) (Issue Date)

NEW RENEWAL

(1994 Code & 2 Supplements)	(Quantity)	(1995 Supplements)	(Quantity)
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___ Check ___ Visa ___ Discover Card Number: _____
 Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(ADDRESS)

(CITY)

(STATE)

(ZIP CODE)

(TELEPHONE NUMBER)

Address:

**Index Department
111 E. Monroe
Springfield, IL 62756**

